

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) CRIMINAL CASE NO. CCB-16-0267
DANTE BAILEY, et al.,)
Defendants.)
_____)

Thursday, March 21, 2019
Courtroom 1A
Baltimore, Maryland

BEFORE: THE HONORABLE CATHERINE C. BLAKE, JUDGE
(AND A JURY)

VOLUME III

For the Plaintiff:

Christina Hoffman, Esquire
Lauren Perry, Esquire
Assistant United States Attorneys

For the Defendant Dante Bailey:

Paul Enzinna, Esquire
Teresa Whalen, Esquire

Reported by:

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1 For the Defendant Randy Banks:

2 Brian Sardelli, Esquire

3 For the Defendant Corloyd Anderson:

4 Elita Amato, Esquire

5
6 For the Defendant Jamal Lockley:

7 Harry Trainor, Esquire

8 For the Defendant Shakeen Davis:

9 Paul Hazlehurst, Esquire

10
11 For the Defendant Sydni Frazier:

12 Christopher Davis, Esquire

13
14 Also Present:

15 Special Agent Christian Aanonsen, ATF

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P R O C E E D I N G S

(9:59 a.m.)

THE COURT: Good morning, everyone.

Let's see. Should we have the witness on the stand?

THE MARSHAL: He's on his way down, Your Honor.

(Pause.)

(Jury entered the courtroom at 10:03 a.m.)

THE CLERK: Mr. Banks, you're still under oath.

WILLIAM BANKS, GOVERNMENT'S WITNESS, PREVIOUSLY SWORN.

THE COURT: All right. Good morning, everyone.

Welcome back.

Ms. Hoffman, if you'd like to resume.

DIRECT EXAMINATION (CONTINUED)

BY MS. HOFFMAN:

Q. Good morning. Mr. Banks, I believe we left off yesterday with your arrest in August of 2016, and I want to ask you some more questions about that.

But before I do that, I wanted to circle back to something I forgot to do yesterday.

Do you remember yesterday when we watched the video of the Mirage shooting?

A. Yes.

Q. And do you remember me pausing at various spots in the video?

A. Yes.

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1 **Q.** I'm going to approach and show you
2 Government's Exhibits SF-1, A through H. (Handing.)

3 Can you tell me, generally speaking, what you're looking
4 at in that folder there, what those exhibits are.

5 **A.** Looks like the outside of the club, the club line. I see
6 Dirt and Tech. I see Gutta, Bangout, myself, Nizzy, Scar, Bino
7 with the "Mobb Squad" shirt on. E in front of him.

8 It's the same here.

9 **Q.** Are these screenshots from the video surveillance footage
10 of the Mirage shooting that we watched yesterday?

11 **A.** Yes.

12 **MS. HOFFMAN:** And with permission, I'm going to move
13 those into evidence.

14 **THE COURT:** All right.

15 **MS. HOFFMAN:** I'll collect them from you, first.

16 **BY MS. HOFFMAN:**

17 **Q.** All right. So I want to pick up where we left off
18 yesterday, talking about your arrest in August of 2016.

19 I believe you testified yesterday that ATF executed a
20 search warrant at your house on that day?

21 **A.** Yes.

22 **Q.** And I believe you testified yesterday that they found
23 drugs and guns in your house; is that right?

24 **A.** Yes.

25 **Q.** How many guns did you have?

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1 A. Three.

2 Q. And did you also have ammunition?

3 A. I did.

4 Q. And where did you get all the guns and ammunition?

5 A. Through various drug deals off the street.

6 Q. And when you say "through various drug deals," what do you
7 mean by that?

8 A. Customers brought me guns in exchange for drugs.

9 Q. Did you have a phone with you when you were arrested?

10 A. Yes.

11 Q. And what happened to that phone when you were arrested?

12 A. It was confiscated.

13 Q. Did you agree to let ATF search it?

14 A. Yes.

15 Q. Did you give them the passcode?

16 A. Yes.

17 Q. And was it searched?

18 A. Yes.

19 Q. Did the phone have pictures of the guns in your house in
20 it?

21 A. Yes.

22 Q. Were there text messages about the guns in your phone?

23 A. Yes.

24 Q. Did you offer to sell the guns to anyone?

25 A. I did. I offered to sell it to T-Roy, if I'm not

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1 mistaken.

2 Q. Did he end up buying the guns?

3 A. No.

4 Q. Were there text messages about that in your phone?

5 A. Yes.

6 Q. After all this happened, were you taken into custody?

7 A. Yes.

8 Q. And were you charged in the racketeering conspiracy -- in
9 a racketeering conspiracy and drug-trafficking conspiracy with
10 the defendants sitting here?

11 A. Yes.

12 Q. And I believe you testified yesterday that you pled guilty
13 to the racketeering conspiracy; is that right?

14 A. Yes.

15 Q. As part of your guilty plea, did you admit to the
16 attempted murder of Snook at the Mirage Nightclub?

17 A. Yes, I did.

18 Q. And did you also admit to the attempted murder of
19 Terrell Gale?

20 A. Yes.

21 Q. Did you admit to possessing drugs and firearms?

22 A. Yes.

23 Q. Mr. Banks, why are you cooperating now?

24 A. Because basically, it's all over. I'm -- I'm already --
25 you already know I did it, and there's no need to lie about it.

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1 The best thing I can do is cooperate and, you know, ask
2 for leniency to try to get some type of mercy from the judge.

3 **Q.** And after all the lies that you indicated yesterday you
4 told, why should we believe you now?

5 **MS. WHALEN:** Objection.

6 **THE COURT:** Do you want to come up to the bench.

7 (Bench conference on the record:

8 **MS. WHALEN:** Your Honor, his testimony is what it is.
9 It's for the jury to determine whether to believe him or not.

10 It's irrelevant why he thinks people should believe
11 him now, number one.

12 And, number two, I think it's improper bolstering of a
13 witness.

14 **MS. HOFFMAN:** I can ask it in redirect, if necessary.
15 I can move on.

16 **THE COURT:** Okay. We'll move on.)

17 (Bench conference concluded.)

18 **BY MS. HOFFMAN:**

19 **Q.** Mr. Banks, what happens if you lie again?

20 **A.** My agreement will be terminated, and I will be prosecuted
21 to the fullest extent. Possibly charged with perjury as well.

22 **Q.** What's the most important condition of your plea
23 agreement?

24 **A.** To be honest and testify truthfully.

25 **Q.** I want to talk about your time on the street before you

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1 got indicted in this case.

2 And, first, I want to direct your attention to
3 February 8th of 2015.

4 Were you present at the scene of a shooting at the BP gas
5 station on that day?

6 A. Yes.

7 Q. And where exactly did the shooting take place?

8 A. It took place at the gas pumps at the BP gas station.

9 Q. And can you tell us what happened.

10 A. Well, basically, I was -- I was there. I was in the car
11 with Gutta. And a altercation or some verbal altercation
12 transpired between some dudes -- I didn't know who they were --
13 and Nick.

14 And he came to the car and asked Gutta for a gun. And he
15 just said, like, what was going on. He was, like, he need the
16 gun for them.

17 And Gutta said, "No. I'll do it." And he jumped out and
18 started shooting.

19 Q. All right. So I want to unpack that a little bit.

20 You said you were in the car with Gutta; is that right?

21 A. Yes.

22 Q. And what kind of car was Gutta driving at the time?

23 A. A blue Lexus.

24 Q. I'm going to show you Government's Exhibit IC-115.

25 Can you tell me what we're looking at here.

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1 **A.** That's Gutta in the blue Lexus.

2 **Q.** And I'm going to show you Government's Exhibit IC-116.

3 And can you tell me what we're looking at here.

4 **A.** That's Gutta and the Lexus behind him.

5 **Q.** So you mentioned that you were -- you were in -- you're
6 with Gutta in his car.

7 **A.** Uh-huh.

8 **Q.** How did you come to be in Gutta's car that night?

9 **A.** Well, that night I got into a argument with my ex-wife and
10 she kicked me out.

11 So I basically called him. He said to come meet me here;
12 you can -- you can stay with me.

13 I got a hack or a taxi to where he was, and I put all my
14 clothes in his car. And then everything transpired from there.

15 **Q.** And you said you got a hack. Did you have a driver's
16 license at the time?

17 **A.** No.

18 **Q.** You mentioned a minute ago that Nick got into an
19 altercation with some people.

20 **A.** Yes.

21 **Q.** I'm going to show you Government's Exhibit IC- -- or, I'm
22 sorry, IND-94.

23 Who's that?

24 **A.** That's Nick.

25 **Q.** And I believe you testified yesterday that he was a member

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1 of MMP; is that right?

2 A. Yes.

3 Q. Did you know why Nick -- did you know what caused the
4 altercation between Nick and the other guys?

5 A. No.

6 Q. Did you know the other guys who he got into an altercation
7 with?

8 A. No.

9 Q. Do you remember how many of them there were?

10 A. Three or four.

11 Q. And where were they -- where were you parked? And where
12 were they relative to you?

13 A. Well, we were parked at the gas pump furthest from the
14 door, all the way towards the front of the gas station. And
15 they were parked closer to the door towards the back.

16 Q. And was Nick in the car with you and Gutta, or where was
17 he?

18 A. No. He just came up to the -- to the driver's side window
19 and was asking Gutta for the gun. But he was originally in the
20 gas station and then came out to . . .

21 Q. And where were you sitting in Gutta's car?

22 A. In the passenger seat.

23 Q. So you said Nick came up to the driver's seat and asked
24 Gutta for a gun. Did he say why he wanted the gun?

25 A. He just said he wanted it for them.

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1 Q. And when you say "for them," who are you referring to?

2 A. To the guys that were shot at.

3 Q. And so what happened next?

4 A. He just said that he'll do it. And he jumped out, and he
5 started shootin' at the guys.

6 Q. And when you say "he," are you referring to Gutta?

7 A. Yes.

8 Q. And what happened to the guys, do you know?

9 A. They all ran in different directions, like, towards the
10 Blue Fountains. One of 'em ran across the street, like, onto
11 the field, through traffic.

12 Q. Do you know what gun Gutta was using?

13 A. I think it was a .40.

14 Q. Was there anyone else at the BP gas station that night
15 that you remember?

16 A. I think Man Man and Bill.

17 Q. I'm going to show you Government's Exhibit IND-92.
18 Who's that?

19 A. That's Man Man.

20 Q. Was he a member of MMP?

21 A. No. He was a 5200 boy.

22 Q. And I'm going to show you Government's Exhibit IND-55.
23 Who's that?

24 A. That's Bill.

25 Q. And I believe you testified yesterday that he was a member

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1 of MMP; is that right?

2 A. Yes.

3 Q. Where did you go after the shooting? What happened after
4 the shooting?

5 A. Really nothin'. We ended up going to Gutta' house.

6 Q. And where was Gutta living at the time?

7 A. In the county in, like, Pikesville.

8 Q. Where did you stay that night?

9 A. If I can recall correctly, I stayed there for a while and
10 then got picked up.

11 Q. And where did Nick and Bill go after the shooting, do you
12 know?

13 A. I don't know.

14 Q. Are there surveillance cameras at the BP gas station?

15 A. Yes.

16 Q. And have you subsequently watched surveillance footage
17 from that night?

18 A. Yes.

19 Q. I'm going to show you Government's Exhibit SF-4. And I'm
20 going to play this video starting at 24 minutes and 8 seconds.
21 Thereabouts.

22 (Video played.)

23 **BY MS. HOFFMAN:**

24 Q. Are you familiar with this area?

25 A. Yes. That's inside the BP gas station.

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1 Q. And do you recognize anyone in this footage?

2 A. Yeah. That's Gutta. And it look like Bill, but it's kind
3 of blurry over here.

4 Q. Can you read the date down here.

5 A. It's 2/8/2015.

6 (Video played.)

7 BY MS. HOFFMAN:

8 Q. Did you see who just walked up to the car at the far pump?

9 A. Yeah. That's Gutta. And, actually, that's Man Man,
10 because that's who helped me get the stuff into his car.

11 (Video played.)

12 BY MS. HOFFMAN:

13 Q. Do you know what's happening here?

14 A. Yeah. He's helping me get my clothes that I brought with
15 me out of the car.

16 Q. And is that the hack that you referred to?

17 A. Yes.

18 Q. Who's the taller guy in the white shoes here?

19 A. That's me.

20 Q. What size shoe do you wear?

21 A. A 12.

22 Q. And how tall are you?

23 A. 6'3".

24 (Video played.)

25 BY MS. HOFFMAN:

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1 Q. Where did you walk to with all of your stuff at that
2 point?

3 A. To the rear of the -- where the stores were at on the
4 other side of the gas station. That's where Gutta's car was.

5 Q. I'm going to show you Government's Exhibit MAP-22.

6 Do you recognize what we're looking at here?

7 A. Yes. That's the BP gas station, the front. And the
8 stores are on the other side of where it says "Subway" and the
9 Check Cashing Depot.

10 Q. And can you indicate -- I believe you'll be able to touch
11 the screen with your finger -- approximately where the car was
12 that you just got out of and where Gutta's car was parked.

13 A. Car I got out of was here (indicating) in this area, and
14 he was parked back like around here (indicating).

15 Q. I'm going to pick back up with the video, and I'm going to
16 play starting at 38 minutes and -- no. I'm sorry.

17 I'm going to pick back up at 29 minutes, where we left
18 off.

19 (Video played.)

20 BY MS. HOFFMAN:

21 Q. And this portion of the video is going to be close to nine
22 minutes long.

23 (Video played.)

24 BY MS. HOFFMAN:

25 Q. I want to just pause it for a moment.

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1 The white car that we see here (indicating), does that
2 have any relevance to what you were just telling us about?

3 A. Yes. That's the car that the -- the guys drove up in that
4 was shot at.

5 (Video played.)

6 BY MS. HOFFMAN:

7 Q. Do you recognize these individuals?

8 A. Those were the guys that were shot at, but I don't know
9 'em from anywhere else other than this incident.

10 Q. I'm going to pause it again.

11 And can you tell us what car just pulled up here
12 (indicating).

13 A. That was Gutta, me and Gutta.

14 Q. And is that the Lexus that you referred to?

15 A. Yes.

16 (Video played.)

17 BY MS. HOFFMAN:

18 Q. I'm going to pause it one more time. Can you tell us what
19 car this is (indicating).

20 A. That's Nick's car.

21 (Video played.)

22 BY MS. HOFFMAN:

23 Q. Who is this in the red hat (indicating)?

24 A. That's Bill.

25 (Video played.)

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1 **BY MS. HOFFMAN:**

2 **Q.** Can you tell who this is (indicating)?

3 **A.** That's Nick.

4 (Video played.)

5 **BY MS. HOFFMAN:**

6 **Q.** This is shifting to a different camera angle.

7 And, again, who's that that just walked in?

8 **A.** Nick and Man Man.

9 **Q.** And who's this (indicating)?

10 **A.** Nick.

11 **MS. HOFFMAN:** Now we're going to watch the same thing
12 from a different camera angle.

13 (Video played.)

14 **BY MS. HOFFMAN:**

15 **Q.** And can you remind us where you were sitting at this
16 point.

17 **A.** I was in the passenger seat of the Lexus.

18 **Q.** And is this the Lexus here (indicating)?

19 **A.** Yes.

20 (Video played.)

21 **BY MS. HOFFMAN:**

22 **Q.** Do you see who just walked over to the car here
23 (indicating)?

24 **A.** Nick.

25 **Q.** Could you see him from where you were sitting at the time?

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1 **A.** Yes.

2 (Video played.)

3 **BY MS. HOFFMAN:**

4 **Q.** Is this when Nick asked Gutta for the gun?

5 **A.** Yes.

6 (Video played.)

7 **BY MS. HOFFMAN:**

8 **Q.** I'm going to replay the last 20 seconds or so.

9 (Video played.)

10 **BY MS. HOFFMAN:**

11 **Q.** And I want to direct your attention over here
12 (indicating).

13 Did you see what just happened over here (indicating)?

14 **A.** Yes. They jumped out the car and started runnin'.

15 **Q.** And can you tell us, based on your own recollection, what
16 had happened just then.

17 **A.** Gutta jumped out the car and started shootin'.

18 **Q.** We're going to watch that from a different angle.

19 (Video played.)

20 **BY MS. HOFFMAN:**

21 **Q.** And who's this (indicating)?

22 **A.** Bill.

23 (Video played.)

24 **BY MS. HOFFMAN:**

25 **Q.** Can you tell what just happened?

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1 A. They ransacked the car, and Bill flattened his tire.

2 Q. We're going to watch that from a different angle.

3 (Video played.)

4 BY MS. HOFFMAN:

5 Q. I'm going to replay just the 20 seconds or so of the
6 actual shooting one more time.

7 (Video played.)

8 BY MS. HOFFMAN:

9 Q. I want to focus your attention here (indicating).

10 What happened after -- immediately after Gutta fired the
11 shots at the guys?

12 A. They all jumped out. They ran in all different
13 directions. And then Gutta jumped back in the car and pulled
14 off and went to his house.

15 Q. I'm going to show you Government's Exhibit SF-4-A.

16 Do you know who that person is?

17 A. No.

18 Q. I'm going to show you Government's Exhibit SF-4-B.

19 I'm sorry. I meant SF-4-C.

20 And is this the same person who we're looking at here?

21 A. Yes.

22 Q. And so you do not know who this is?

23 A. No.

24 Q. I'm going to show you Government's Exhibit SF-4-D.

25 Sorry. SF-4-E.

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1 Do you know who this person is?

2 A. No.

3 Q. I'm going to show you SF-4-G.

4 Do you know who that person is?

5 A. No.

6 Q. And I'm going to show you SF-4-H.

7 Sorry. SF-4-I.

8 And who is this person?

9 A. That's Bill.

10 Q. I'm going to show you SF-4-J.

11 And is this a close-up of Bill?

12 A. Yes.

13 Q. I'm going to show you SF-4-K.

14 Is that another close-up of Bill?

15 A. Yes.

16 Q. I'm going to show you SF-4-L.

17 And who's that?

18 A. That's Nick.

19 Q. And I'm going to show you SF-4-M.

20 And who's that?

21 A. Man Man.

22 Q. And are these screenshots from the video that we just
23 watched?

24 A. Yes.

25 Q. I believe you testified a minute ago that you went back to

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1 Gutta's house that night?

2 **A.** Yes.

3 **Q.** And where did you say he was living at the time?

4 **A.** In Pikesville. I think it was Princely Way or
5 Princely Drive, something like that.

6 **Q.** We talked a bit yesterday about Bangout. And I want to
7 ask you: Did there come a time not long after this shooting
8 when you learned that Bangout had been killed?

9 **A.** Like probably the next -- the next day, actually.

10 **Q.** Could it have been a few days later?

11 **MR. SARDELLI:** Objection, Your Honor; leading.

12 **THE COURT:** Sustained.

13 **BY MS. HOFFMAN:**

14 **Q.** How did you hear about Bangout being killed?

15 **A.** I heard from Gutta. I heard from a lot of people.

16 **Q.** And in the weeks leading up to Bangout's murder -- well,
17 first of all, let me put up Government's Exhibit IND-27.

18 Who's that?

19 **A.** That's Bangout.

20 **Q.** In the weeks leading up to Bangout's murder, was he having
21 problems with anyone in the gang?

22 **A.** He was having issues with Gutta.

23 **Q.** And how did you hear about that?

24 **A.** I heard it through a few homies and also Gutta, and
25 Bangout told me that he wasn't eatin'. He wasn't -- he wasn't

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1 doing right by him.

2 Q. He wasn't -- what did you say?

3 A. He wasn't eating. He wasn't doing right by him. He
4 wasn't, you know, giving him drugs to sell. He wasn't looking
5 out for him like he was supposed to be.

6 Q. And what was the dispute over, between Bangout and Gutta?

7 A. It was a few things. Some guns came up missin', and they
8 were saying Bangout stole 'em to sell 'em. They were also
9 saying that Bangout supposed to told on Gutta in Atlanta.

10 Q. What happened in Atlanta?

11 A. They went out there. Gutta was on the run, I think, from
12 a parole warrant for the federal warrant or something. But
13 they ended up tracking him down out there, and they locked him
14 up. And Bangout was with him and had a gun, and he's supposed
15 to have told the police that the gun was Gutta's.

16 Q. And so you indicated this led to a dispute between Bangout
17 and Gutta; is that right?

18 A. Yes.

19 Q. When was the last time you saw Bangout before he was
20 killed?

21 A. The night before at the studio.

22 Q. And what kind of studio was it?

23 A. It was a recording studio.

24 Q. Whereabouts was the recording studio?

25 A. On Maryland Avenue at the time.

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1 Q. And were there other members of MMP at the studio that
2 day?

3 A. Yeah, it was -- it was me. It was C-Bo. I think even
4 Mal; Mugs; E, E-Money; Champagne, Jay, or Montana Gold; Fats.

5 Q. What were you all doing at the studio?

6 A. Recording music.

7 Q. And did there come a time when you left the studio that
8 day?

9 A. Yes.

10 Q. Where did you go after you left the studio?

11 A. With a female friend of mines.

12 Q. And where -- where did she live?

13 A. In Essex.

14 Q. What did you do that night?

15 A. We just went to her house and chilled.

16 Q. Did you spend the night with her in Essex?

17 A. Yes.

18 Q. After the -- after Bangout got killed, did you find out
19 about it right away?

20 A. If -- if I'm not mistaken, it may have been the next day
21 or a couple days later.

22 Q. And did you talk to others in the gang about what had
23 happened to try to find out?

24 A. Yes.

25 Q. I'm going to show you Government's Exhibit IND-80.

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1 Who's that?

2 A. That's Lil Mal.

3 Q. And was he one of the people who you just mentioned was at
4 the recording studio --

5 A. Yes.

6 Q. -- the day before or night before Bangout was killed?

7 Did you talk to -- I believe you testified yesterday that
8 Mal was a member of MMP; is that right?

9 A. Yes.

10 Q. And did you talk to Mal about Bangout's murder afterwards?

11 A. Yes.

12 Q. And what did he tell you about it, if anything?

13 A. He said that he gave him a ride up the way, and the last
14 time he saw him he was going across the street to get in a car
15 with some girl.

16 Q. And when you say Mal said he gave him a ride up the way,
17 are you referring to Bangout?

18 A. Yes.

19 Q. So Mal said that he gave Bangout a ride up the way?

20 A. Yes.

21 Q. Now, at the time of Bangout's murder, were you signed up
22 as a confidential informant with the Baltimore Police
23 Department?

24 A. Yes.

25 Q. And did you talk to the Homicide detective for the Bangout

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1 murder at the time?

2 A. Yes.

3 Q. Did you tell the Homicide detective what you knew about it
4 at the time?

5 A. Yes.

6 Q. And at the time of that interview, did you know who had
7 actually killed Bangout?

8 A. No.

9 Q. Did you eventually learn who killed Bangout?

10 A. Yes.

11 Q. How did you learn?

12 A. Gutta told me that he did it. He said that he was trying
13 to figure out how he was going to tell me 'cause we were all
14 close. And he said that he did that. He was like, "I did
15 that."

16 And I asked him why.

17 And, you know, he -- he basically told me he was in
18 violation.

19 Q. When did Gutta tell you about it?

20 A. The night of our first show that we did at the Paparazzi.
21 It was a pool party.

22 Q. What's the Paparazzi?

23 A. The Paparazzi is -- basically, it's a club. And it was a
24 venue for us that night.

25 Q. And what kind of show were you doing?

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1 A. A rap show.

2 Q. I'm going to show you Government's Exhibit SM-22.

3 And do you see -- this has come into evidence as Instagram
4 business records.

5 Do you see where it says "trouble5200" next to "Vanity
6 Name"?

7 A. Yes.

8 Q. Is this -- is that your Instagram account?

9 A. Yes.

10 Q. Okay. And I'm going to show you Page 8 of this exhibit.
11 And what are we looking at here?

12 A. The flyer from our show.

13 Q. And is this the show you referred to at the Paparazzi
14 club?

15 A. Yes.

16 Q. And can you see the date on the flyer? When was the show?

17 A. July the 24th.

18 Q. And is this when you remember Gutta telling you about
19 Bangout?

20 A. Yes.

21 Q. Did Gutta tell you why he killed Bangout?

22 MS. WHALEN: Objection; asked and answered,
23 Your Honor.

24 THE COURT: Overruled.

25 THE WITNESS: He basically just said that -- that he

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1 was in violation and he heard that he was trying to get SP
2 robbed.

3 **BY MS. HOFFMAN:**

4 **Q.** And what does it mean to be in violation?

5 **A.** The violation is to violate one of the rules of the gang.

6 **Q.** And I'm going to show you Government's Exhibit IND-81.

7 Who's that?

8 **A.** That's SP.

9 **Q.** And so you indicated a minute ago that Gutta told you
10 Bangout was trying to get SP robbed?

11 **A.** Yes.

12 **Q.** Did Gutta tell you -- well, first of all, was anyone else
13 with you when Gutta told you about it?

14 **A.** We were -- it was me, Dirt. We were all leaving the
15 house, and he held me back to speak to me on it. But at the
16 house -- at the time it was me, Dirt, Gutta, my ex, and one of
17 the female dancers from the show that we did.

18 **Q.** When Gutta actually had the conversation with you, when he
19 pulled you back, was anyone else there when he told you about
20 it?

21 **A.** No. It was just me and him at the time.

22 **Q.** And did he tell you any details about the actual murder?

23 **A.** No.

24 **Q.** I want to shift topics. And I'm going to show you
25 Government's Exhibit SM-10, Page 5.

~~W. BANKS - DIRECT~~

1 Can you tell us who the person on the right-hand side here
2 is.

3 A. Syd.

4 Q. And I believe you testified yesterday that Syd was a
5 5200 boy; is that right?

6 A. Yes.

7 Q. Did he sell drugs in the 5200 block of Windsor Mill Road?

8 A. Yes.

9 Q. And I believe yesterday you identified Creams, E-Money,
10 and Mugs as people he sold drugs with; is that right?

11 A. Yes.

12 Q. Did you ever know Syd to get drugs from Gutta?

13 A. Yes.

14 Q. Can you tell us about that.

15 A. Well, when Gutta got locked up, he's supposed to owed him
16 \$7,000 for some coke that he was fronted.

17 MR. DAVIS: Objection, unless there's a foundation or
18 a basis for where he's getting this information.

19 THE COURT: Sustained.

20 BY MS. HOFFMAN:

21 Q. Who did you hear that from?

22 A. Gutta told me to tell him -- ask him what's up with that
23 money and to get it to Tiffany.

24 Q. And you mentioned this was before Gutta locked up -- got
25 locked up.

~~W. BANKS - DIRECT~~

1 Did there come a point in time at the end of July of 2015
2 when Gutta got incarcerated?

3 A. Right.

4 Q. And so this conversation that you had -- I'm sorry. So
5 was it before that that Syd had -- that Gutta had fronted the
6 drugs to Syd?

7 A. Right. It was -- it was prior to his arrest, and then he
8 asked about the money after he was locked up.

9 Q. Got it.

10 Who's the person on the left-hand side in the picture
11 here?

12 A. Creams.

13 Q. And was Creams a member of MMP?

14 A. He was a 5200 boy.

15 Q. What territory did Creams operate in?

16 A. Windsor Mill and Forest Park.

17 Q. And did he sell drugs?

18 A. Yes.

19 Q. What drugs did he sell?

20 A. Coke and dope, but more coke than anything.

21 Q. Did you ever see Creams with guns?

22 A. I seen him with an AR before.

23 Q. And what's an AR?

24 A. AR-15, assault rifle.

25 Q. I want to direct your attention to May 30th of 2015.

W. BANKS - DIRECT

1 Around that time did you learn about a shooting with an
2 AR-15 that happened at the BP gas station?

3 **A.** I did. I saw that people were posting it was a shootin'
4 just happened. I went up there to see what was going on and
5 talked to a couple people, Konan mainly. And he just said
6 that --

7 **MR. HAZLEHURST:** Objection.

8 **BY MS. HOFFMAN:**

9 **Q.** I'm going to stop you for a minute there.

10 I'm going to show you Government's Exhibit IND-67.

11 Who's that?

12 **A.** That's Konan.

13 **Q.** And was he a member of MMP?

14 **A.** He was a 5200 boy.

15 **Q.** And you said that you learned about this from Konan when
16 you went up to the BP?

17 **A.** Yes.

18 **Q.** Was anyone else --

19 **MR. HAZLEHURST:** Objection.

20 **THE COURT:** Overruled.

21 **BY MS. HOFFMAN:**

22 **Q.** Was anyone else there when Konan was talking about it?

23 **A.** Creams.

24 **Q.** So Creams was standing there, too?

25 **A.** Uh-huh.

W. BANKS - DIRECT

1 Q. And what did Konan tell you had happened?

2 A. He said that those dudes came up there; they -- they tried
3 to rob Nutty B or they did rob Nutty B. And when they pulled
4 off, he went and got the rifle and shot the car up.

5 Q. And who's "he"? Who went and got the rifle?

6 A. Creams.

7 Q. And when you say "rifle," what are you referring to?

8 A. The AR-15.

9 Q. I want to show you -- I'm sorry. I want to show you
10 Government's Exhibit IND-51.

11 And who's that?

12 A. That's Nutty B.

13 Q. And is that the person who you indicated Konan told you
14 had been robbed or the guy said attempted to rob him?

15 A. Yes.

16 Q. And just to be clear, were you there for the actual
17 shooting?

18 A. No.

19 Q. And how long after -- well, do you know how long after the
20 shooting you arrived at the BP gas station?

21 A. I don't know when it actually occurred timewise, but it
22 was the same day.

23 Q. And how do you know that?

24 A. Because the crime scene tape was still up and the police
25 were still outside.

W. BANKS - DIRECT

1 Q. Did Konan say anything about who the guys were that Creams
2 was shooting at with the AR?

3 A. Not that I recall.

4 Q. Do you recall what kind of car Creams had at the time?

5 A. An Infiniti.

6 Q. And did anything happen to his car afterward?

7 A. He changed the color of it immediately after the shootin'.
8 I think it was burgundy before. And when it came back, it was
9 like just all -- the paint was all scraped off.

10 Q. I want to shift topics again, but I want to stick with the
11 spring of 2015 time period.

12 Around that time, did you learn about something called
13 Black Blood?

14 A. Yes.

15 Q. What's Black Blood?

16 A. The Black Blood Brotherhood was basically alliance between
17 us -- it's us and mob, BGFs, and the Crips.

18 Q. And who started Black Blood?

19 A. Gutta.

20 Q. And you said it was an alliance between the mob, BGF, and
21 Crips. What are the BGF and Crips?

22 A. Black Guerilla Family and the Crips gang.

23 Q. And what was the purpose of the alliance?

24 A. Basically, Gutta just put it to us all like: We all black
25 men in the same struggle. And instead of beefing and killing

W. BANKS - DIRECT

1 each other, we need to come together to get something bigger
2 done.

3 Q. And how were the members of Black Blood supposed to come
4 together?

5 A. Basically, in any and every way: Sharing connects,
6 sharing guns.

7 Q. And when you say "connects," what do you mean?

8 A. Drug suppliers, sharing guns, handling beef. If they had
9 a problem in the neighborhood, we might come through and take
10 care of that for them and vice versa.

11 Q. Who else was in Black Blood or who was in Black Blood?

12 A. Black Blood was basically the same as the mob. But as far
13 as BGFs and stuff go, Spotty, Fish, the dude they called Dummy.

14 Q. I'm going to stop you and show you an exhibit. I'm going
15 to show you Government's Exhibit IND-56.

16 Who's that?

17 A. That's Fish.

18 Q. And who was Fish?

19 A. Fish was a high-ranking member in BGF, and he was part of
20 Black Blood Alliance.

21 Q. And I'm going to show you Government's Exhibit IND-70.

22 Who's that?

23 A. That's Spotty.

24 Q. And who was Spotty?

25 A. Spotty was a member of BGF and Black Blood.

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1 Q. And I'm going to show you Government's Exhibit IND-90.

2 Well, actually, first, I'm going to show you
3 Government's Exhibit IC-26.

4 What are we looking at here?

5 A. That's a picture of Gutta, Spotty, and Fish off of Gutta's
6 Instagram page.

7 Q. And I'm going to show you Government's Exhibit IND-90.

8 Who's that?

9 A. Crazy.

10 Q. And who is Crazy?

11 A. Crazy was a BGF member and a member of Black Blood.

12 Q. And I'm going to show you Government's Exhibit IC-67,
13 which has come into evidence as an exhibit from an iCloud
14 account belonging to Dante Bailey.

15 And what are we looking at here?

16 A. That's Crazy holdin' a gun.

17 Q. All right. I want to stick -- I want to stick with the
18 first half of 2015.

19 Were you around Gutta a lot during that time period?

20 A. Yes.

21 Q. Did you ever communicate with Gutta on the phone?

22 A. Yes.

23 Q. And how did Gutta -- did he have a preferred method of
24 communicating?

25 A. He would prefer face to face; but if it had to be on the

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1 phone, it would be FaceTime.

2 Q. And why FaceTime?

3 A. Because he felt like they couldn't trace it. They
4 couldn't tap it. Couldn't be monitored at all.

5 Q. I'm going to show you Government's Exhibit IC-89, which
6 has also come into evidence as an exhibit from the iCloud.

7 Can you tell us what we're looking at here.

8 A. That's Gutta and SP. I think it's when SP was in
9 Puerto Rico.

10 Q. And what does it appear to be an image of?

11 A. Them talking on FaceTime.

12 Q. I'm going to show you Government's Exhibit IC-103, another
13 exhibit from the iCloud account, wolfmobb@icloud.com.

14 What are we looking at there?

15 A. That's T-Roy and Gutta on FaceTime.

16 Q. I'm going to show you Government's Exhibit IC-104, also
17 from that iCloud account.

18 What are we looking at there?

19 A. Gutta and T-Roy on FaceTime.

20 Q. I'm going to show you Government's Exhibit IC-105, also
21 from the iCloud account.

22 Oh, I'm sorry. That's not the right thing.

23 I'm going to show you Government's Exhibit IC-111, also
24 from the iCloud account.

25 What are we looking at there?

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1 A. Gutta and Bo on FaceTime.

2 Q. I'm going to show you IC-112.

3 What are we looking at there?

4 A. That's Bo. I can't really see who's in the top corner.

5 Q. Fair enough.

6 I'm going to show you Government's Exhibit IC-114.

7 What are we looking at there?

8 A. Gutta and Bo on FaceTime.

9 Q. Did Gutta have a significant other?

10 A. Yes; Tiffany.

11 Q. And were they married?

12 A. Yes.

13 Q. I'm going to show you Government's Exhibit IND-5.

14 Who's that?

15 A. Tiffany.

16 Q. Were you friends with Tiffany as well as Gutta?

17 A. Yes.

18 Q. I'm going to show you IC-94.

19 And who's that there?

20 A. That's Tiffany and Nick.

21 Q. Was Tiffany involved in MMP?

22 A. As far as I know, yes.

23 Q. Can you explain.

24 A. Well, she was his wife. Anything that he asked her to do,
25 she -- she did it.

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1 Q. Now, we talked a minute ago about the fact that Gutta got
2 incarcerated in July of 2015.

3 Where did he get incarcerated?

4 A. Baltimore County.

5 Q. And where -- do you remember where he was housed in
6 Baltimore County?

7 A. Towson.

8 Q. And did Gutta and Tiffany stay together while Gutta was
9 locked up?

10 A. Yes.

11 Q. Would she visit him there?

12 A. Yes.

13 Q. And how did Gutta communicate with the outside world when
14 he was locked up in Towson?

15 MS. WHALEN: Objection; basis of knowledge,
16 Your Honor.

17 THE COURT: Sustained.

18 BY MS. HOFFMAN:

19 Q. Did others in the gang also visit Gutta while he was
20 locked up?

21 A. Yes.

22 Q. Did you visit Gutta while he was locked up?

23 A. Yes.

24 Q. How did Gutta communicate with the outside world while he
25 was locked up in Towson?

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1 **MS. WHALEN:** Objection; same.

2 **THE COURT:** Well, how did -- right. It's still too
3 broad a question.

4 **BY MS. HOFFMAN:**

5 **Q.** Okay. Did you -- how many times would you estimate you
6 visited Gutta in Baltimore County Detention Center?

7 **A.** Maybe four or five times, but I've been up there a lot
8 because I was taking homies up there. I was taking Tiffany up
9 there sometimes, too, so --

10 **Q.** So you sometimes went with Tiffany?

11 **A.** Yes.

12 **Q.** I want to fast-forward a few months to September of 2015.

13 Was there a member of MMP -- well, I'm sorry.

14 Let me ask the question a different way.

15 Did there come a time when you learned that Nutty B had
16 been killed?

17 **A.** Yes.

18 **Q.** And was Nutty B a member of MMP?

19 **A.** Yes.

20 **Q.** And I'm going to put Government's Exhibit IND-51 back up.

21 And is this the person you said was Nutty B?

22 **A.** Yes.

23 **Q.** Can you tell us what happened to Nutty B.

24 **A.** He basically got killed for not paying gang dues. And
25 Gambino killed him and basically spinned it off like he just

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1 didn't want to gangbang anymore so that's why he killed him.

2 But it was behind the dues.

3 They went to collect, him and Fish. He asked for the
4 money.

5 He basically told him, like, he didn't have it.

6 And Fish slapped him. And he fought back. And Gambino
7 shot him.

8 Q. And I want to unpack that. Going back, first of all,
9 let's talk about the weeks leading up to Nutty B's murder.

10 You mentioned gang dues. What happened in the weeks
11 leading up to Nutty B's murder with respect to gang dues?

12 A. Well, when -- when Gutta got arrested, he basically
13 implemented the dues to be paid every week. We -- we had a
14 meetin' about it, met up at the cemetery, actually.

15 Q. Let me just stop you for a moment, 'cause I want to ask
16 you: How did you find out that Gutta wanted dues to be paid
17 regularly when he got locked up?

18 A. Well, he told me. He told Gambino. He said we had to
19 collect for --

20 Q. And how did he tell you? Was that face to face or over
21 the phone?

22 A. He told me on a visit and he also reiterated through phone
23 calls.

24 Q. I want to show you Government's Exhibit MISC-4, Page 3.

25 And can you tell us what it says at the top here, top

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1 left.

2 A. "Baltimore County Department of Corrections."

3 Q. And can you tell what it says right here (indicating).

4 A. "Visit History."

5 Q. And I'm going to -- and can you tell us what it says right
6 here (indicating).

7 A. "Visitors for Bailey, Dante Dominique."

8 Q. Can you tell us what the date says here (indicating).

9 A. The date is 8/9/2015.

10 Q. And what's the name here (indicating)?

11 A. That's my name, William Garrett Banks.

12 Q. And did you visit Gutta that day?

13 A. Yes.

14 Q. I'm going to go to the next page of this exhibit. And can
15 you read the date here (indicating).

16 A. 8/17/2015.

17 Q. And can you read the name here (indicating).

18 A. "Johnson, Dontray Samuel."

19 Gambino.

20 Q. Can you read the date here (indicating).

21 A. 8/24/2015.

22 Q. And can you read the name here (indicating).

23 A. "Tiffany Finey Bailey."

24 Q. And can you read the date here.

25 A. 8/25/2015.

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1 Q. And the name here (indicating).

2 A. "Johnson, Dontray Samuel."

3 Q. And, finally, can you read the date here (indicating).

4 A. 9/18/2015.

5 Q. And is that you again?

6 A. Yes.

7 Q. And did you visit Gutta on that day?

8 A. Yes.

9 Q. And the date here (indicating)?

10 A. 9/19/2015.

11 Q. And the name here?

12 A. That's Tiffany Bailey.

13 Q. Now, you mentioned -- you started to say a minute ago that
14 after Gutta ordered that the dues be paid, there was a meeting
15 held?

16 A. Yes.

17 Q. Can you tell us about that.

18 A. We had a meetin' at the Woodlawn Cemetery with a couple
19 homies from Windsor Mill and Forest Park. Some Gwynn Oak
20 homies were there. A couple from Boone Street.

21 Q. Who called the meeting?

22 A. Gambino.

23 Q. And was it a gang meeting?

24 A. Yes.

25 Q. And you said the meeting was at Woodlawn Cemetery?

W. BANKS - DIRECT

1 A. Yes.

2 Q. Were you there?

3 A. Yes.

4 Q. Who else was there that you remember?

5 A. Murda was there. Gambino, Unc, T-Roy was there.

6 Q. It's okay if you don't remember everyone.

7 A. Yeah. It was a lot of people there.

8 Q. Do you remember when in relation to Nutty B's murder the
9 meeting was? Was it before Nutty B's murder?

10 A. Yes.

11 Q. And do you know about how long before Nutty B's murder?

12 A. Maybe a couple weeks.

13 Q. Now, you started to tell us about Nutty B's murder. How
14 did you learn about Nutty B's murder?

15 A. I was gettin' a lot of calls from different people. Like,
16 immediately after from Tiffany. I talked to Gambino.

17 Q. What did Gambino tell you about it?

18 A. He just said that -- he said he wasn't paying no dues
19 and -- and he wasn't fuckin' with niggas.

20 Q. And what did he mean by that? What did you understand him
21 to mean by that?

22 A. Basically, that he doesn't want to deal with -- with
23 certain people. Like, he don't have no money for Gutta.

24 Q. So Bino indicated to you that Nutty B was saying he didn't
25 want to pay dues?

W. BANKS - DIRECT

1 A. Right.

2 Q. And that he didn't want to deal with Gutta; is that what
3 you said?

4 A. That's how -- that's how it was taken, yes.

5 Q. Did Bino tell you anything about how the murder went down?

6 A. He just said that Fish -- Fish slapped him. And then they
7 got into it, and then he hit him.

8 Q. And do you remember how long after the murder Bino told
9 you about it?

10 A. If I'm not mistaken, it may have been the day of.

11 Q. Where were -- do you remember where you were when he told
12 you about it?

13 A. I can't recall.

14 Q. Did you learn about it from anyone else in the gang?

15 A. From Tiffany, as well from Konan, from Menace.

16 Q. I'm going to show you Government's Exhibit IND-58.

17 Who's that?

18 A. That's Menace.

19 Q. And is he one of the people who told you about the Nutty B
20 murder?

21 A. Yes.

22 Q. Did he tell you whether or not he was there when the
23 murder happened?

24 A. I honestly cannot recall right now.

25 Q. That's okay.

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Do you remember what Menace told you about the murder?

A. Yeah. He said that Nutty got killed and that the detectives had just pulled him up and was trying to talk to him about it. He said whoever did it's going to get charged federally.

And he was just like kind of like freaking out about it. I can't believe what's going on.

I just told him I would -- I would call him back.

Q. Did you ever talk to Gutta about the Nutty B murder afterward?

A. Yes.

Q. And what did Gutta tell you about it?

A. I mean, he said it is what it is. It's what -- it's what -- what had to be done. And he said that if -- whoever doesn't want to pay, that that's how it's gonna go.

Used to always say, "Make 'em scared."

MS. HOFFMAN: Your Honor, may I approach briefly? Can we approach?

THE COURT: Sure.

(Bench conference on the record:

MS. HOFFMAN: I just thought it might be a good time for a break. I'm going to shift topics. It's fine if -- whatever Your Honor wants to do. I'm hoping to finish up with him by the lunch break.

THE COURT: All right. That's fine. We will take the

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1 mid-morning recess, and you can continue. Okay.

2 **MS. HOFFMAN:** Thank you.)

3 (Bench conference concluded.)

4 **THE COURT:** All right. Ladies and gentlemen, we're
5 going to take our mid-morning recess, and then we'll be
6 continuing.

7 I'll excuse the jury first, please.

8 (Jury left the courtroom at 11:09 a.m.)

9 **THE COURT:** All right. We can excuse the witness.

10 And we'll excuse the gallery.

11 All right. Thank you. We'll take the mid-morning
12 recess.

13 (Recess taken.)

14 **THE COURT:** All right. Ready for the jury.

15 (Jury entered the courtroom at 11:33 a.m.)

16 **THE COURT:** All right. If you'd like to continue,
17 Ms. Hoffman.

18 **BY MS. HOFFMAN:**

19 **Q.** Mr. Banks, we've been talking about events in the 2015
20 time period, and I want to fast-forward now to February 22nd of
21 2016.

22 Did you register as a confidential informant with ATF on
23 that day?

24 **A.** Yes.

25 **Q.** And what were you asked to do as a CI for ATF?

W. BANKS - DIRECT

1 A. To give truthful information and to just work with them.
2 Anything that was necessary to make a conviction.

3 Q. Did you conduct what are known as controlled buys?

4 A. Yes.

5 Q. And what's a controlled buy?

6 A. A controlled buy is where you are wearing a wire or
7 monitor and you purchase drugs.

8 Q. And did you make any controlled buys from any of the
9 defendants?

10 A. Yes; T-Roy.

11 Q. How did you arrange the buy? How did it happen?

12 A. I called him and -- and said that I needed some coke.

13 And he said, "Okay."

14 Asked me what I needed.

15 I told him, "I think an eight ball."

16 And I was provided the money and went to make the
17 purchase.

18 Q. And was there anyone else with you when you went to make
19 the purchase?

20 A. Yes. It was a female.

21 Q. And who was she?

22 A. She was another confidential informant.

23 Q. And who actually bought the drugs from T-Roy? How did it
24 happen?

25 A. I basically introduced her as a friend and gave him the

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1 backstory that I think she had a boyfriend or something locked
2 up, and he needed to use her to get the money to bail out or
3 something like that. And she handed me the money to give to
4 him.

5 Q. And did T-Roy provide you with the drugs?

6 A. Yes.

7 Q. I'm going to show you -- well, let me ask you, first:
8 Were you wired up when you did the controlled buy?

9 A. Yes. I was -- no, no. I was in the -- a vehicle that was
10 wired for audio and visual.

11 Q. Got you.

12 I'm going to show you Government's Exhibit BUY-1.

13 (Video was played but not reported.)

14 BY MS. HOFFMAN:

15 Q. Who's that there?

16 A. T-Roy.

17 Q. And who's the female here?

18 A. The other informant.

19 Q. And where are you in this -- where are you relative to her
20 in this video?

21 A. I'm in the driver's seat.

22 (Video was played but not reported.)

23 BY MS. HOFFMAN:

24 Q. And who were you talking to right there?

25 A. T-Roy.

W. BANKS - DIRECT

1 Q. And can you tell us what happened. What was handed to the
2 woman sitting here?

3 A. The eight ball of crack.

4 Q. And what was handed to T-Roy?

5 A. The money.

6 Q. And did you hear when T-Roy said, "Do you know how to
7 cook?"

8 A. Vaguely.

9 Q. I'll go back and play it again.

10 (Video was played but not reported.)

11 BY MS. HOFFMAN:

12 Q. Did you hear what was said there?

13 A. I still really -- I really couldn't hear it good.

14 Q. That's okay.

15 A. It's the sound coming out over here, and it's sound in the
16 bigger room. So it's two different -- and this is like a delay
17 over here.

18 I heard when he said he got the best and she won't have
19 any problems; and if she do, to let me know to let him know.
20 But I couldn't really hear him say nothing about cooking.

21 Q. And when he said -- when he referred to Trouble, who was
22 he referring to?

23 A. Me.

24 Q. I'm going to show you Government's Exhibit BUY-1A.

25 And what are we looking at here?

W. BANKS - DIRECT

1 A. T-Roy.

2 Q. I'm going to show you Government's Exhibit BUY-1B.

3 And who's that?

4 A. T-Roy.

5 Q. And then BUY-1C.

6 And who's that?

7 A. T-Roy.

8 Q. All right. And what happened to the eight ball of crack
9 after it was purchased from T-Roy?

10 A. I drove back to the little rendezvous point we had, and I
11 gave it to the agents.

12 Q. Was this controlled buy, was this the sort of thing that
13 you made money doing when you were a CI?

14 A. Yes.

15 Q. And about how much would you make doing something like
16 this?

17 A. It would vary from the amount that I might be purchasing
18 or what I might be purchasing, but it could be 800 to a
19 thousand, maybe.

20 Q. I want to direct your attention to April 26th of 2016.

21 Around that time did MMP become involved in a dispute in
22 the Gwynn Oak and Liberty Heights area?

23 A. Yes.

24 Q. And what started the dispute, if you know?

25 A. Mookie was killed -- well, actually, first, a dude named

W. BANKS - DIRECT

1 Los was killed; and in retaliation to that, Mookie was killed.

2 Q. And who was Mookie?

3 A. Mookie is one of the mobsters.

4 Q. I'm going to show you IND-13.

5 Who's that?

6 A. That's Mookie.

7 Q. And when you say he was a mobster, was he a member of MMP?

8 A. Yes.

9 Q. And what area did he operate in?

10 A. Liberty Heights and Gwynn Oak.

11 Q. And was he close with anyone else in the gang?

12 A. Basically, everybody in Gwynn Oak, Gutta, that's -- that's
13 really it.

14 Q. So the people in Gwynn Oak and Gutta?

15 A. Right. He knew a few 5200 homies, but he don't hang up
16 there.

17 Q. I'm going to show you Government's Exhibit IC-75.

18 Do you recognize the people in this photo?

19 A. Yeah. That's -- that's Mookie, Jakey, Nick, and Dirt.

20 Q. And what are Nick and Dirt doing in this photo?

21 A. They're throwing it up, the M's.

22 Q. And what's Mookie doing?

23 A. Throwing up the M's.

24 Q. How long after Mookie got killed did you find out about
25 it?

W. BANKS - DIRECT

1 A. The same night.

2 Q. And what happened -- or, first of all, who did you hear it
3 from?

4 A. I heard it from one of the sisters. She called me and
5 said that he just got killed and did I know about it. And I
6 didn't -- that's the first time I heard it, so I made some
7 calls. I found out it was true. And I jumped in the car, and
8 I drove down there.

9 Q. When you say "down there," where did you drive to?

10 A. To Liberty Heights and Gwynn Oak.

11 Q. And at that point had you gotten your driver's license?

12 A. I had a learner's permit.

13 Q. Where in Liberty Heights and Gwynn Oak did you go?

14 A. Up by the Big T's and 4 G Liquors where it happened at.

15 Q. And when you say "where it happened at," what do you mean?
16 Where Mookie got killed?

17 A. Where Mookie got killed.

18 Q. And did you meet up with other people there?

19 A. Yes. It was a lot of mobsters in the parking lot of the
20 bank.

21 Q. Do you recall who else was there?

22 A. Gutta was there. T-Roy was there. The sister, Bandi, was
23 there. Murda was there. Dirt was there. All the Gwynn Oak
24 homies were there.

25 Q. And I'm going to show you Government's Exhibit IND-20.

W. BANKS - DIRECT

1 Who's that?

2 A. Murda.

3 Q. And he was there that night?

4 A. Yes.

5 Q. And I'm showing you Government's Exhibit IND-45.

6 Who's that?

7 A. Bandi.

8 Q. And who is she? Is she a member of MMP?

9 A. Yes.

10 Q. And was she there too?

11 A. Yes.

12 Q. And then I believe you mentioned T-Roy and Dirt were
13 there?

14 A. Yes.

15 Q. And what was going on in the parking lot of the
16 Wells Fargo?

17 A. Everybody was crying, consoling each other. You know,
18 people were just upset. And it got to the point where
19 everybody was just like, Who was responsible?

20 And then they started throwing the names of neighborhoods
21 out there, so they was saying they was going to go strap up.

22 Q. And did they know -- did people have an idea of who was
23 responsible?

24 A. I don't know at the time if they knew a particular person,
25 but I didn't hear it at the time. But they were just talking

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1 about a certain neighborhood that the person was supposed to be
2 from or somebody was from.

3 Q. Was there a rival gang in that area?

4 A. I don't know it to be a rival gang. I just know just
5 their neighborhood.

6 Q. So they believed that there was a member of another
7 neighborhood who had killed Mookie?

8 A. Right.

9 MR. SARDELLI: Objection; leading, Your Honor.

10 THE COURT: Overruled.

11 BY MS. HOFFMAN:

12 Q. Do MMP gang rules say anything about what should happen in
13 this situation?

14 A. Yeah. If any of -- if any of us are harmed, it's -- it's
15 supposed to be retaliation.

16 Q. Did people talk about retaliating in the parking lot of
17 the Wells Fargo?

18 A. Yes.

19 Q. Can you explain.

20 A. They were just saying for everybody to go get strapped up
21 and, you know, we going to go from there.

22 Q. And can you remind us what it means to get strapped up.

23 A. To go -- everybody go get their weapons.

24 Q. And you were registered as a confidential informant at
25 that point; is that right?

W. BANKS - DIRECT

1 A. Yes.

2 Q. Was there a particular ATF agent or officer who you were
3 interacting with regularly?

4 A. Yes.

5 Q. And who was that?

6 A. Hood.

7 Q. Is that what you knew him by?

8 A. Yes.

9 Q. So when all this was happening, did you call him?

10 A. Yes.

11 Q. And why did you call him?

12 A. I called him because I didn't want anything to spin out of
13 control. And I was just letting him know, you know, they
14 saying that they going to go get guns, so . . .

15 Q. Did Hood pick up when you called him?

16 A. No.

17 Q. Did you call him again?

18 A. Yes.

19 Q. Did he pick up?

20 A. No.

21 Q. Do you know how many times you called him?

22 A. I don't recall, but I know it was -- it was a few.

23 Q. So what happened -- what happened then?

24 A. If I can recall, I was texting him. And, you know, that
25 it -- people were talking about going to do this and going to

W. BANKS - DIRECT

1 do that. And then Gutta pulled me up and said, "Come with me
2 real quick," and we jumped in T-Roy's car.

3 Q. And what kind of car did T-Roy have?

4 A. A Lexus, a blue Lexus.

5 Q. Did you get in the car with him?

6 A. Yes.

7 Q. Who was driving?

8 A. T-Roy.

9 Q. And who was in the -- where were you sitting?

10 A. I was sitting behind the passenger seat.

11 Q. And where was Gutta in the car?

12 A. He was in the passenger seat.

13 Q. Did Gutta have a gun in the car?

14 A. At the time I didn't see one, but he did, yes.

15 Q. Where did you -- where did you guys go?

16 A. I later on found out the neighborhood was
17 Harbor Park [sic]. But it was like up the street from where
18 Mookie was killed, from Liberty Heights and Gwynn Oak.

19 Q. And you said that T-Roy was driving; is that right?

20 A. Yes.

21 Q. And who, if anyone, was directing him where to go?

22 A. Gutta was telling him, like, where to turn. And that was
23 basically it: Just turn here or turn here.

24 Q. And what time of day was this? Was it daytime? nighttime?

25 A. It was nighttime.

W. BANKS - DIRECT

1 Q. Can you tell us what happened next.

2 A. Basically, from what I was -- what I understood, he was
3 saying, like, if -- if anybody is outside, then they probably
4 didn't have anything to do with it. But if nobody's outside
5 like they normally be, then they hidin' out and they
6 probably -- they killed Mookie.

7 So we were just riding around, and he saw somebody and
8 jumped out and shot him.

9 Q. Where were you when this happened? What kind of
10 neighborhood was it?

11 A. It was Harbor Park [sic].

12 Q. And is that a -- was it a residential area? commercial
13 area?

14 A. It was residential.

15 Q. Were there a lot of people around when this happened? Was
16 it crowded? quiet?

17 A. No, I don't recall seeing anybody.

18 Q. And you said Gutta jumped out and shot somebody?

19 A. Yes.

20 Q. Do you know who it was who he shot?

21 A. No.

22 Q. Did you know who -- did Gutta say anything about the
23 person who he was about to shoot?

24 A. No. He just said, "Stop right here."

25 Q. And how -- tell us what you saw from your vantage point.

W. BANKS - DIRECT

1 A. Well, I was in the backseat. We was just riding around.
2 He saw the dude in front of the car. He said, "Stop right
3 here."

4 When he stopped, he jumped out and he shot and, like, in
5 the upper area, like to his head or neck or something, and the
6 dude fell.

7 Q. How far away about were you when this happened?

8 A. From the shooting?

9 Q. Yeah.

10 A. Probably 5 feet, 6 feet.

11 Q. And you said it looked like he shot him in the upper area,
12 head or neck?

13 A. Uh-huh.

14 Q. Did the person die?

15 A. I assumed he was dead.

16 Q. You said he fell to the ground?

17 A. He fell.

18 Q. Did -- what happened then? Did Gutta get back in the car?

19 A. Yes.

20 Q. And was there any conversation about what had just
21 happened?

22 A. No.

23 Q. Where did you go?

24 A. We went back to where we came from.

25 Q. And where was that, the Wells Fargo parking lot?

W. BANKS - DIRECT

1 A. Yes.

2 Q. And then what happened? Did you stay together or did you
3 disperse?

4 A. I stayed a little bit longer to see if anybody was coming
5 back with the guns. And nobody was -- had came back by the
6 time we got back, so I just got in the car and left.

7 Q. Did you ultimately get in touch with Hood that night?

8 A. I did.

9 Q. And did you talk to him on the phone?

10 A. I can't remember if it was phone or text. And, as a
11 matter of fact, I think it may have been the next day.

12 Q. Did you tell Hood when you talked to him about the fact
13 that you had just witnessed a murder?

14 A. No.

15 Q. Why did you not tell him?

16 A. Because I felt like I was -- I was present when somebody
17 got murdered, and I was under the impression that I would be,
18 you know, in trouble too.

19 Q. Did you exchange text messages with Hood during this time
20 frame?

21 A. Yes.

22 Q. And did Hood at one point ask you to find out about the
23 violence that had been going on in the Howard Park
24 neighborhood?

25 A. Yes.

W. BANKS - DIRECT

1 Q. And what did you tell him?

2 A. I told him that I would get on top of it.

3 Q. And did you at that point tell him about the fact that you
4 had seen Gutta kill someone?

5 A. No.

6 Q. And why not?

7 A. Because, like I said, I was in fear of being charged for
8 being there as an accessory to it.

9 Q. Now, all of these events that we're talking about in April
10 of 2016, that was before you got arrested in this case; is that
11 right?

12 A. Yes.

13 Q. So I want to fast-forward now to August 26th of 2016 when
14 you got arrested.

15 What changed when you got arrested?

16 A. It was -- it was basically no need of hiding anything.
17 And that was my last opportunity to just air out all the dirty
18 laundry, and I wouldn't get another one.

19 I was also deeper into working with the agency. I -- I
20 trusted 'em to a degree now.

21 And I just felt like it just had to be all said. I didn't
22 want it to come back any other way for the situation to get
23 worse. So I chose honesty.

24 Q. And did you tell them -- when you were arrested, did you
25 tell them about the murder you had witnessed?

W. BANKS - DIRECT

1 A. Yes.

2 Q. Did you tell them -- did you admit to the Mirage shooting?

3 A. Yes.

4 Q. Did you admit to having possessed firearms?

5 A. Yes.

6 Q. Did you admit to having dealt drugs?

7 A. Yes.

8 Q. Did you tell the ATF agents other things about your past?

9 A. Yes.

10 Q. Have you been incarcerated since August 26th of 2016?

11 A. Yes.

12 Q. And I believe you testified yesterday that you have not
13 been sentenced yet; is that right?

14 A. No, I haven't.

15 Q. And who decides your sentence?

16 A. The judge.

17 Q. And which judge is it?

18 A. Mrs. Blake.

19 Q. I just have a few more areas to cover with you.

20 I want to show you, first of all, Government's
21 Exhibit IND-44.

22 Who is that?

23 A. That's Eastside.

24 Q. And who was Eastside?

25 A. Eastside was a mobster from Liberty Heights and Gwynn Oak.

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1 Q. And what happened to Eastside?

2 A. He got killed.

3 Q. Did you learn about it from someone else in the gang?

4 A. Yeah. I learned about it from a couple homies. From
5 Murda. I heard it from Weezy.

6 Q. And what did Murda tell you about what happened to
7 Eastside, if you recall?

8 A. That it was supposed to happen; that they had found out
9 that the dude that killed Mookie was somebody named Ro or
10 Ro Ro; and that was a friend of Eastside's. He was protecting
11 him. He wouldn't tell the homies where he is, so they killed
12 him.

13 Q. Did you -- did Murda tell you who specifically killed
14 Eastside or just that they --

15 A. No.

16 Q. -- killed him?

17 I want to direct your attention to August 10th of 2016.
18 Around that time do you remember hearing about someone named
19 Uncle Rick who was murdered?

20 A. Yes.

21 Q. Did you know Uncle Rick?

22 A. I've met him on a couple occasions, but I didn't -- I
23 didn't know him too deep.

24 Q. I'm going to show you IND-54.

25 Do you recognize that person?

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1 A. Yeah. That's Uncle Rick.

2 Q. Did you hear -- you said you didn't know him well. Did
3 you hear about him from other members of MMP?

4 A. I've heard about him from -- from Huggie after he was
5 killed.

6 Q. Okay. And I'm going to show you Government's
7 Exhibit IND-50.

8 Who's that?

9 A. That's Huggie.

10 Q. And I believe you testified yesterday that Huggie was a
11 5200 boy; is that right?

12 A. Yes.

13 Q. And was Huggie close with other members of MMP?

14 A. Yes.

15 Q. Who was he close with?

16 A. Everybody from Windsor Mill and Forest Park.

17 Q. Did Huggie tell you anything about -- who was -- who did
18 you know Uncle Rick to be? Who was he? Was he in MMP?

19 A. No. I just knew him to -- to come around there and have
20 drugs sometimes, and then it came out that he was a rat.

21 Q. And did you hear that from Huggie?

22 A. Yes.

23 Q. And what did Huggie tell you happened to Uncle Rick?

24 A. Well, he told me that he basically got killed and set on
25 fire in a -- in a car out South Baltimore somewhere, and it was

W. BANKS - DIRECT

1 because he was a rat. And it was -- it came from Gutta.

2 Q. Did he -- did Huggie tell you who specifically killed him?

3 A. No.

4 Q. Did there come a point in time when you learned that
5 members of MMP suspected you of being a rat?

6 A. Yes.

7 Q. And you testified earlier about the rules of MMP. Can you
8 remind us what the punishment is for cooperating with
9 law enforcement.

10 A. Death.

11 Q. I'd like to play you a call from
12 Government's Exhibit JAIL-1, which has come into evidence as a
13 disc of certified recordings of jail calls.

14 And, specifically, I'd like to play you Call J-65.

15 MS. HOFFMAN: And the jurors can find the transcript
16 for this call. It's Page 211 of the jail call tab of the
17 transcript binders.

18 I'm going to see if I can pull both up at the same
19 time.

20 Your Honor, we're having a bit of a technical
21 malfunction.

22 I apologize. This might be a couple minutes.

23 (Audio was played but not reported.)

24 (Pause.)

25 MS. HOFFMAN: Sorry about that.

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1 **THE COURT:** Do you think you're getting close?

2 **MS. HOFFMAN:** I'm sorry. I think we've got it now. I
3 think when I switched to the other screen, the sound stopped
4 coming out. But if I stick with this screen, we should be
5 good.

6 **THE COURT:** All right.

7 (Audio was played but not reported.)

8 **MS. HOFFMAN:** Your Honor, may we approach briefly?

9 **THE COURT:** Okay.

10 (Bench conference on the record:

11 **MS. HOFFMAN:** I don't know if you can hear it back
12 here, but there's a really bad lag time back here. And so
13 we're getting --

14 **THE COURT:** An echo.

15 **MS. HOFFMAN:** It's, like, really hard to hear.

16 **THE COURT:** It's repeating.

17 **MS. AMATO:** It's repeating, exactly.

18 **THE COURT:** So is the answer -- is it possible that
19 some -- that we could all hear just from sort of one outlet
20 that there are -- the problem is --

21 **MS. HOFFMAN:** I'm not very tech-savvy, but my sense is
22 that it's not -- I don't think it's our laptop. I think it's
23 something with the mic system.

24 **MS. AMATO:** I thought it had been fixed the other day
25 when we had the problem. I thought someone had come in and

1 they fixed it, but maybe it's something that has to be done
2 each time. I'm not sure. But I thought someone -- a
3 technician had come in.

4 **THE COURT:** I don't know if Ms. Moyé knows anything
5 about that also.

6 **THE CLERK:** There are two speakers. There is a
7 speaker on the monitor where Mr. Banks is sitting, and then
8 there is a speaker in the ELMO. That's why you hear the sound.

9 **MS. HOFFMAN:** Is it possible to turn one of them off?

10 **THE CLERK:** Not that I'm aware of. Because I
11 mentioned it yesterday. I thought I heard -- I heard an echo,
12 like a delay.

13 **THE COURT:** Okay. So we either go ahead with the
14 echo --

15 **MS. HOFFMAN:** I don't know how bad it is for the
16 jurors, but it's pretty bad where I'm standing. It's hard to
17 even hear.

18 **MS. PERRY:** If we could -- I don't know if this will
19 work, but we could attempt to unplug the system and just hold
20 the microphone near the speaker on the laptop and see if that's
21 clearer. I don't know that it will be. It's just an idea.

22 **MS. HOFFMAN:** Maybe we could try it like that for this
23 call and then get a technician maybe over the lunch break.

24 **THE CLERK:** But I will ask IT again if there's --

25 **THE COURT:** There should be someone to fix this.

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1 **MS. AMATO:** I thought they had.

2 **THE CLERK:** We can do that.

3 **MS. HOFFMAN:** We are going to have a lot of audio in
4 this trial, so I did want to raise it.

5 **THE COURT:** All right. Well, do you want to try
6 this -- do you have other things you can -- that you still --

7 **MS. HOFFMAN:** This is the last thing.

8 **THE COURT:** Okay. All right. Let's try making this
9 work, then. Okay.)

10 (Bench conference concluded.)

11 **THE COURT:** As you can probably tell, there are some
12 audio difficulties. We're going to try a fix. If it doesn't
13 work, we may have to get IT.

14 (Audio was played but not reported.)

15 **BY MS. HOFFMAN:**

16 **Q.** I just want to pause it there. Can you tell who's
17 speaking?

18 **A.** That's Blizz.

19 **Q.** And then who's the other person speaking?

20 **A.** Blizz and Gutta.

21 **Q.** And who's Blizz?

22 **A.** He was a mobster.

23 **MS. HOFFMAN:** I'm going to keep playing it, but I'll
24 have another exhibit for you in a minute.

25 (Audio was played but not reported.)

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1 **BY MS. HOFFMAN:**

2 **Q.** Mr. Banks, I'm going to show you Government's
3 Exhibit IND-79.

4 Who's that?

5 **A.** Blizz.

6 **Q.** And was he in MMP?

7 **A.** Yes.

8 **Q.** I'm going to show you Government's Exhibit SM-40.

9 What are we looking at here?

10 **A.** That's Blizz throwing up the mob.

11 **Q.** Did you hear when Gutta said, "Send him to M-Easy"?

12 **A.** Yes.

13 **Q.** What's your understanding of -- well, first, let me show
14 you Government's Exhibit IND-84.

15 And who's that again?

16 **A.** M-Easy.

17 **Q.** And what's your understanding of what Gutta meant when he
18 said, "Send him to M-Easy"?

19 **MS. WHALEN:** Objection, Your Honor.

20 **THE COURT:** Sustained.

21 **BY MS. HOFFMAN:**

22 **Q.** Did M-Easy have a reputation in the gang?

23 **A.** He was a shooter.

24 **MS. HOFFMAN:** Court's indulgence.

25 **BY MS. HOFFMAN:**

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1 **Q.** A minute ago you testified that the initial speakers in
2 the call were Gutta and Blizz.

3 Was there another speaker who came on later in the call?

4 **A.** T-Roy.

5 **Q.** And did you actually get on the phone at one point in that
6 conversation?

7 **A.** I was talkin' to T-Roy on his phone.

8 **Q.** In the background?

9 **A.** Yes.

10 **Q.** Did you hear when Blizz said, "I don't want nothing to go
11 down in the studio"?

12 **A.** Yes.

13 **Q.** And what did you understand him to mean by that?

14 **MS. WHALEN:** Objection.

15 **THE COURT:** Sustained.

16 **BY MS. HOFFMAN:**

17 **Q.** Did you ever meet up with M-Easy after that?

18 **A.** No.

19 **Q.** Were you, in fact, arrested shortly after that?

20 **A.** Yes.

21 **MS. HOFFMAN:** I have no further questions.

22 **THE COURT:** All right. Thank you.

23 Ms. Whalen.

24 **MS. WHALEN:** Thank you, Your Honor.

~~W. BANKS - CROSS~~

CROSS-EXAMINATION

BY MS. WHALEN:

Q. Good afternoon, Mr. Banks. I'm Teresa Whalen. We haven't met before, have we?

A. No.

Q. And so it's clear, you are represented by an attorney in this case; right (indicating)?

A. Yes.

Q. And is your attorney still in the courtroom, Mr. Van Hoven, right up in sort of the center of the gallery there?

A. Yes.

Q. All right. And you're satisfied that he's cut a deal for you and represented you in a very able fashion; right?

A. Yes, he's represented me well.

Q. All right. How old are you, sir?

A. I'm 29.

Q. 29.

And at the time of your arrest, let's -- that was August 26th of 2016; right?

A. Uh-huh.

Q. And at that time how old were you?

A. I was 28.

Q. 28?

A. No. 27. I'm sorry.

~~W. BANKS - CROSS~~

1 Q. And let me just make something clear. The phone call we
2 just listened to, that was August 10th of 2016; right?

3 MS. HOFFMAN: Objection.

4 THE COURT: It was a different time or --

5 BY MS. WHALEN:

6 Q. Excuse me. She's absolutely right.

7 August 19th of 2016, does that ring a bell?

8 A. Okay.

9 Q. Let me just show you the transcript, sir. There we go.

10 You have no dispute that when the Government says this
11 call came in on August 19th, 2016, that it probably is right;
12 right?

13 A. It says August 19th here.

14 Q. I think -- if I misspoke, I apologize.

15 August 19th, 2016.

16 A. Yes.

17 Q. And it was August 26th that you were then arrested; right?

18 A. Yes.

19 Q. All right. So that period of time in between, you didn't
20 see M-Easy; right?

21 A. No.

22 Q. All right. But nothing happened to you. You, in fact --
23 you know, you weren't shot at. No one hurt you, anything along
24 those lines; right?

25 A. No.

W. BANKS - CROSS

1 Q. And you would be characterized as a shooter for the gang;
2 right?

3 A. You could say that, yes.

4 Q. Well, people did say that about you; right?

5 A. Well, I've shot people.

6 Q. And people also said you were an enforcer; is that right?

7 A. I've never heard that before.

8 Q. Did you and your attorney go through the discovery in this
9 case, meaning the documents that the Government collected, the
10 witness statements that the Government collected?

11 A. No.

12 Q. Now, I'm going to take you back and go over.

13 You are -- you were 28 when you were arrested in this
14 case. And when was it that you were released from jail in your
15 20s? What --

16 A. I was released --

17 Q. How old were you?

18 A. I was released when I was 23.

19 Q. Okay. So you had a period of -- from age 23 to 28, you
20 were out on the street; right?

21 A. No, no. I was -- I was in prison before and did six and a
22 half years --

23 Q. Right.

24 A. -- from 16 to 23. And then I was rearrested and then
25 released again in 2014.

~~W. BANKS - CROSS~~

1 Q. All right. And how much time have you had on the street
2 since you were 15 years old?

3 A. Very -- very little.

4 Q. Can you estimate for us.

5 A. Since I was 15 years old, I was home for my 25th birthday,
6 26th birthday, and the 27th birthday. That was it.

7 Q. All right. And you told us yesterday that you were lying
8 over and over again because you didn't want to go to jail;
9 right?

10 A. Yes, I have lied in the past.

11 Q. Because you did not want to go to jail; is that correct?

12 A. Yes.

13 Q. You didn't want to go back to jail --

14 A. Right.

15 Q. -- having spent time there; right?

16 A. Right.

17 Q. And you spent time in a lot of different facilities in the
18 state system; is that correct?

19 A. I did.

20 Q. All right. And it's not nice, is it?

21 A. No.

22 Q. And that's why you would lie, just to make sure you didn't
23 go back there and get stuck in the system again; right?

24 A. Back then, yes.

25 Q. Back then, yes.

~~W. BANKS - CROSS~~

1 And back then was up until right before you were arrested
2 on August 26th in 2019; right? Excuse me, 2016. I'm bad with
3 my dates.

4 A. No.

5 Q. No. The first bit you did or time you did was because you
6 robbed a pizza man with a gun; right?

7 A. Yes.

8 Q. And then -- so you got ten years on that; is that correct?

9 A. No. I got probation.

10 Q. You got probation on that first one. And then there were
11 a couple --

12 A. I was a juvenile. I was waived up.

13 Q. "Waived up," meaning the state asked the court system to
14 treat you as an adult and prosecute you as an adult; is that
15 right?

16 A. Right, because a weapon was involved, which I may add was
17 a BB gun when I was 15.

18 Q. So are you telling us that the weapon that you pointed at
19 the pizza man was a BB gun?

20 A. Yes; when I was 15.

21 Q. All right. And it sure looked real, didn't it?

22 A. I don't even recall. That was so long ago.

23 Q. Okay. And after that, you got arrested for some
24 burglaries; is that correct?

25 A. Yes.

W. BANKS - CROSS

1 Q. You were stealing people's things and pawning them --

2 A. Yes.

3 Q. -- is that right?

4 And you were sentenced on that case; is that correct?

5 A. Yes; when I was 16.

6 Q. And at 16, how much time did you get?

7 A. Ten years.

8 Q. And how much of that time did you serve?

9 A. Six years and nine months.

10 Q. And you served that in an adult facility, not a juvenile
11 facility; is that right?

12 A. Yes, because by the time I was sentenced -- I was -- I was
13 18.

14 Q. All right. And that time was when you were kind of -- you
15 were at ECI and some of the other facilities; is that correct?

16 A. Yes.

17 Q. Now, you were released at the age of 23, you told us; is
18 that right?

19 A. Yes.

20 Q. And at that time you were on parole; correct?

21 A. Yes.

22 Q. And tell the ladies and gentlemen what parole meant to
23 you.

24 A. Parole is basically just -- it's like probation that's
25 being supervised as soon -- when you're released. And you

W. BANKS - CROSS

1 supposed to stay out of trouble, be productive in the
2 community, just try to, you know, do the right thing.

3 Q. And that means not commit crimes; correct?

4 A. Yes.

5 Q. That means not have handguns; correct?

6 A. Correct.

7 Q. It even means not dealing any drugs; correct?

8 A. Yes.

9 Q. And you basically either on probation -- because you've
10 been on that before, too; right?

11 A. Yes.

12 Q. Yes.

13 So probation or parole, you're basically telling the
14 judge: Let me out of jail on a contract with you that I won't
15 commit further crimes; right?

16 A. Yes.

17 Q. You actually have to sign like a -- well, it's sort of a
18 contract; right?

19 A. Yes.

20 Q. And you did that when you got probation before; right?

21 A. I did.

22 Q. And how much backup time were you looking at on your
23 parole?

24 A. It was something like three years.

25 Q. And could you tell the ladies and gentlemen what backup

W. BANKS - CROSS

1 time is.

2 A. Backup time is -- actually, it was four years. Well, a
3 little over -- a little under three -- it was -- when you get
4 parole -- when you parole out or mandatory out, whatever is
5 left of your sentence is what you have for parole to do.

6 So that's what I had left. It was ten years. I did six
7 years nine months. That's what I had left. And then I would
8 be completely free of the system.

9 Q. So you knew that if you committed another crime or were
10 convicted of another crime, you might have to go back to prison
11 for an additional period of time, three --

12 A. Yes.

13 Q. -- years or up to four years; is that correct?

14 A. Yes.

15 Q. All right. Now, what year was it, again, that you were
16 released?

17 A. 2012.

18 Q. And so you're on parole in 2012.

19 And in January of 2013, you committed some burglaries?

20 A. It was before then, but I was arrested in January.

21 Q. All right. Do you remember the date you were arrested?

22 A. No, I don't.

23 Q. What period or what time frame was it that you committed
24 burglaries?

25 A. In 2012 -- actually, I was arrested and was out on bail,

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1 and that's what I had a parole violation for. It wasn't for
2 catching a charge. It was -- it was for not notifying the
3 officer that I caught the charge.

4 Q. All right. So you had a warrant for parole violation for
5 not notifying --

6 A. Right.

7 Q. -- that you had a new charge; right?

8 A. Right.

9 Q. Okay. But you also had a new charge; is that right?

10 A. Yes.

11 Q. And was it more than one burglary?

12 A. No. It was just one burglary.

13 Q. And that burglary occurred in 2012; is that correct?

14 A. Yes.

15 Q. So early in 2013, January, you were actually arrested for
16 the burglary. And were you also arrested for the parole retake
17 at that time?

18 A. No. I was just arrested for the parole retake.

19 Q. All right. But you ultimately were out of -- you
20 ultimately were out of prison on January 14th of 2013 when you
21 shot at Terrell Gale and his 2-year-old daughter; right?

22 A. Yes. That's the day that I went -- I was arrested.

23 Q. The day you were arrested?

24 A. That was the day that I was arrested. I was arrested at
25 the hospital.

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1 Q. Okay. So let's go through what occurred on that incident.

2 You indicated that you were out with another individual in
3 a car --

4 A. Uh-huh.

5 Q. -- and you rolled up, I guess, side by side to Mr. Gale's
6 car; right?

7 A. Yes.

8 Q. But before that, there was an incident. You thought that
9 maybe Mr. Gale's car cut off your car, something along those
10 lines; right?

11 A. Yes.

12 Q. And there were words exchanged; right?

13 A. Yes.

14 Q. And it was basically a hostile, "What's up?"

15 A. Yes.

16 Q. That was what it was that triggered you to pull out a gun
17 and start shooting at Mr. Gale; right?

18 A. No.

19 Q. Well, did Mr. Gale threaten you in any way?

20 A. No.

21 Q. So how many times did you shoot your weapon?

22 A. I didn't exactly count how many times. And the reason for
23 me shooting was that another gang member shot first, and I
24 followed up with my -- with my shots.

25 Q. All right. So in timing, you think you were second in

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1 shooting up the car; is that correct?

2 A. I know I was second.

3 Q. And at that time do you know how many shots actually got
4 fired at that car?

5 A. No, I don't. I was shot in the process, so I was trying
6 to tend to my wound.

7 Q. In your hand; is that correct?

8 A. Right; through my wrist.

9 Q. Now, you go to the hospital, and you indicated you were
10 arrested at the hospital; is that right?

11 A. Yes.

12 Q. But you ultimately got out of prison or not?

13 A. Eventually, years later.

14 Q. All right. Did you remain in prison on January 14th from
15 the hospital, you know, when they -- when they arrested you at
16 the hospital?

17 A. Yes.

18 Q. When the police talked to you about your hand, for
19 instance, and how it happened, you lied to them; right?

20 A. Yes.

21 Q. You told 'em a very elaborate story about how you'd been
22 at Mondawmin Mall, taken a bus that day, caught a hack or
23 something downtown.

24 Remember all this?

25 A. Actually, I don't recall. I do remember telling them that

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1 I was shot walkin' from the bus stop and that a random car
2 pulled up on me and started shooting.

3 Q. In fact, you at some point went into the police station or
4 they called you in or pulled you in, and you gave a detailed
5 statement about what happened then.

6 Do you remember that?

7 A. They pulled me in from the hospital, and I told them the
8 same thing that I just -- I just stated a minute ago.

9 Q. Okay. And do you remember later, in June of 2014, the
10 police detectives calling you in and videotaping your statement
11 about this incident?

12 MS. HOFFMAN: Objection.

13 THE COURT: Basis? Is it something you need to --
14 just a date?

15 (Counsel conferred.)

16 BY MS. WHALEN:

17 Q. I'm being corrected, sir. It may be just an audio, not a
18 video.

19 A. I don't --

20 Q. Do you remember either?

21 A. -- recall. I don't recall.

22 Q. Okay. Do you remember, though, giving them a story about
23 a random car came up -- you had actually gone to the area to
24 buy weed; is that right? This is what you told them?

25 A. Right. If that's -- if that's what's in the statement

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1 back then, then that is what I said.

2 But I don't recall at this point in time. I do remember
3 saying that I was walkin' from a bus stop and I was shot at by
4 a -- a unknown car. And I think I said the car was a Nissan,
5 the same car that I shot into, the same style. I might -- I
6 might be wrong, but I don't remember all -- buying the weed and
7 the Mondawmin and all of that. I don't remember that.

8 **Q.** Do you remember, were you trying to get the police to
9 think that somehow Mr. Gale, in the Nissan that you shot up,
10 had something to do with this random shooting of you?

11 **A.** No.

12 **Q.** All right. It just was a happenstance that you said it
13 was actually a Nissan after -- the same kind of car that you
14 shot up Mr. Gale in?

15 **A.** That's -- that's if -- if I said it, I just -- I think
16 that's -- back then that's what I said. It was 2012. So if
17 you have a statement to show me, then I can confirm or deny.
18 But off the top, I can't recall.

19 **Q.** So do you remember also telling the police at the end of
20 your discussion with them about what happened [reading]: You
21 got to get to the bottom of this; I'm telling the truth?

22 **A.** I don't remember that, no.

23 **Q.** Now, let's characterize this.

24 You didn't want to go to jail. You didn't want in any way
25 to be back where you were when you were a teenager and up to

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1 the age of 23; right?

2 A. No, I didn't.

3 Q. And that's why you lied; right?

4 A. Yes, at the time.

5 Q. You were trying to save your skin; right?

6 A. Yes.

7 Q. Now, you had an attorney at that time, Ms. Flynn; correct?

8 A. Yes.

9 Q. And Ms. Flynn brought you in to the local police and the
10 local prosecutor; right?

11 A. Yes.

12 Q. And an Assistant State's Attorney; is that correct?

13 A. Yes.

14 Q. Do you remember the name Dana Middleton?

15 A. Yes.

16 Q. And she was actually charged or responsible for
17 prosecuting you on the Terrell Gale shooting incident; is that
18 correct?

19 A. Yes.

20 Q. Now, you went in, and do you remember you were registered
21 as a local or a Baltimore City Police informant?

22 A. Yes.

23 Q. And they told you such things as you're not supposed to be
24 out there acting like you're a police officer or an agent of
25 the police department; correct?

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1 A. I don't recall them saying that exactly at all.

2 Q. But you certainly recall them saying you're not supposed
3 to commit a crime; right?

4 A. I do remember them saying that.

5 Q. Not supposed to have drugs, guns, that kind of thing;
6 right?

7 A. Yes.

8 Q. And, basically, at that time what you're trying to do is
9 cut a deal for yourself so you get less jail time; right?

10 A. Yes.

11 Q. And that deal, you're hoping, is ultimately going to get
12 you back out on the street; right?

13 A. Yes.

14 Q. And so you are basically saying to the police: I'll do
15 whatever you want; right?

16 A. Yes.

17 Q. Because, in your mind, it was so important to be out on
18 the street and not in jail that you would commit to the police
19 to help them out; right?

20 A. Yes.

21 Q. You know, that whole process is you trade information to
22 the police, and what they give you -- or the prosecutors -- is
23 less jail time; right?

24 A. Yes.

25 Q. So it's a little -- you know, let me give you this; I get

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1 less. The more you -- I give, the more I hope I get less and
2 less jail time; right?

3 **A.** Yes.

4 **Q.** And that's not too different from what you cut -- the deal
5 you cut with the federal government later, is it?

6 **MS. HOFFMAN:** Objection.

7 **THE COURT:** Overruled.

8 **THE WITNESS:** I wasn't promised anything by them.

9 **BY MS. WHALEN:**

10 **Q.** Okay. But you knew that you had to give them information
11 in order to get less jail time; correct, sir?

12 **A.** I knew that I had to give information because I was asked
13 when I was arrested; and that was the last chance I had to be
14 honest or I would be charged and facing, you know, life, which
15 I still could possibly get. It's all up to the judge.

16 **Q.** Sir, do you remember -- now we're jumping a little bit.

17 You've now come into the federal authorities, and there is
18 a room in which you're in and it's a -- like a proffer room or
19 a room where you're going to proffer.

20 Do you remember that term?

21 **A.** Yes.

22 **Q.** Okay. And "proffer" means basically you lay out what
23 you've got to hand over or give to the federal authorities;
24 right?

25 **A.** Right.

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1 Q. You do most of the talking in that right?

2 A. Right.

3 Q. They might ask questions; right?

4 A. Yes.

5 Q. All right. And you're -- the whole idea -- and your
6 attorney, Mr. Van Hoven was there; right?

7 A. Yes.

8 Q. And the whole idea is I'm trading you information, and let
9 me see what you can do for me; right?

10 A. Yes.

11 Q. Because at that time you're facing life in prison, weren't
12 you?

13 A. During the time of this arrest?

14 Q. Federal arrest, you're facing life in prison; right?

15 A. I'm still facing life in prison.

16 Q. And you -- so the indictment was an indictment against you
17 for RICO conspiracy; right?

18 A. Yes.

19 Q. And you knew, okay, things are really bad now?

20 A. Listen, when I first proffered, I didn't trust the police.
21 I did it to get out of trouble, of course. But I didn't fully
22 trust the detectives.

23 And when they said that you can tell us the truth about
24 everything and as long as you're honest, you won't be charged
25 and fully prosecuted, you know, you would get the immunity, I

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1 didn't believe it. So I did lie in the past.

2 But after dealing with them over a course of time and
3 being an informant and being caught in an old lie that I've
4 told, it was in my best interest to be honest --

5 Q. Okay. And --

6 A. -- without a proffer.

7 Q. Are you telling us you were totally honest with the
8 federal authorities?

9 A. I was totally honest with them.

10 Q. All right. Do you remember January of 2017 in a proffer
11 session you told --

12 MS. HOFFMAN: Objection.

13 (Counsel conferred.)

14 BY MS. WHALEN:

15 Q. January -- I apologize for the dates.

16 Do you remember telling, in a proffer session,
17 January 2016 telling federal agents and prosecutors things that
18 you knew? Let's start there.

19 A. Yes.

20 Q. All right. And do you remember telling them that in the
21 Terrell Gale shooting, your gun jammed?

22 A. I don't recall saying that.

23 Q. Well, do you remember talkin' about that shooting?

24 A. Yes. I -- I spoke about it several times. I don't
25 remember ever saying the gun jammed, but . . .

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1 Q. Well, and -- 'cause like you know the gun didn't jam;
2 right?

3 A. Of course the gun didn't jam.

4 Q. All right.

5 A. I was shot, so I stopped shootin'.

6 Q. All right. So if you told them that the gun jammed, that
7 would not be truthful; is that right?

8 A. That wouldn't be, but I don't recall saying that.

9 Q. Now, you know they were taking notes, right, during your
10 meetings?

11 A. Yes.

12 Q. Okay. Do you know if they were taping your meetings?

13 A. I don't know.

14 Q. And these law enforcement officers that you have come to
15 trust were the ones that were taking the notes; correct?

16 A. This was BPD takin' notes. And from what I remember about
17 anything -- ever hearing anything about a gun jamming, be -- he
18 said that -- they thought I shot myself trying to unjam a gun,
19 and I told them that wasn't the case.

20 And that's the only time the words "jammed" of a firearm
21 were ever used and in that context. I've never said myself
22 that a gun jammed or anything.

23 The detectives for the case said, We think that the gun
24 jammed and you tried to unjam it and you shot yourself by
25 mistake.

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1 Q. So you corrected them and you said, No, no, no, no, the
2 gun didn't jam?

3 A. I don't recall if I corrected 'em at that point in time,
4 but I do remember that's the only time they spoke about any
5 type of firearm malfunctions, period.

6 Q. Well, let me make sure that I understand you completely.

7 Are you telling me today that you never told them that the
8 gun jammed in that shooting?

9 A. I don't recall telling them that a gun jammed.

10 Q. All right. Let's go a little -- I guess it would be back
11 in time now. You are working for the Baltimore City Police.

12 Do you recall that you had proffer sessions or meetings
13 with the Baltimore City Police?

14 A. Yes.

15 Q. And that would be Sergeant Martini? Was he involved in
16 those?

17 A. Yes.

18 Q. And I think then-Lieutenant Garber, was he involved in
19 those?

20 A. Yes.

21 Q. And your attorney, of course, Catherine Flynn was there?

22 A. Yes, when I was -- when I was still locked up proffering,
23 yes, she was. When I was released, she wasn't.

24 Q. Okay. And when did you get released?

25 A. I think December of 2014.

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1 Q. And in a meeting -- really, I'll give you a date. But in
2 May of 2014, in a meeting with the Baltimore City Police --

3 A. Yes.

4 Q. Well, let me go back to a moment. Was the prosecutor,
5 Ms. Middleton, involved in all of those meetings?

6 A. If it was dealing with Baltimore City, the actual
7 Terrell Gale shooting case, then she was --

8 Q. All right.

9 A. -- at all times.

10 Q. Okay. And at that time you have told us that you didn't
11 trust anyone; right?

12 A. Before -- beforehand. When I was released, the trust was
13 starting to build, especially with Mr. Gerber.

14 Q. Okay. So in that meeting in May of 2014, that's when you
15 said Bangout did the shooting of Samartine Hill; right?

16 A. You said when again, in January?

17 Q. No, sir. In May of 2014, you went --

18 A. I said -- I said Bangout did the shooting when I was
19 incarcerated. When I was re -- when I was on the street, I
20 don't re -- I don't recall even speaking about that situation
21 again except later, maybe 2015. And Mr. Hood asked me about it
22 one more time, and I gave the same story.

23 Q. Okay. So that same story is that you pointed the finger
24 at someone named Bangout; right?

25 A. Yes.

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1 Q. James Edwards; right?

2 A. Yes.

3 Q. And he was your friend; right?

4 A. Yes.

5 Q. Okay. And so you tell them -- first the
6 Baltimore City Police and then later ATF Agent Hood, right,
7 that Bangout's the one, not you, that pulled the trigger on
8 Samartine Hill; is that correct?

9 A. Yes. I said that I heard that.

10 Q. You said that you heard that?

11 A. Yes.

12 Q. And you're positive it was "I heard that"; is that right?

13 A. I don't remember.

14 Q. Okay. Because, sir, when you were first meeting with the
15 Baltimore City Police, they were taking notes; right?

16 A. Yes.

17 Q. And they were recording what you said; right?

18 MS. HOFFMAN: Objection.

19 BY MS. WHALEN:

20 Q. When I say "recording," I mean writing. Excuse me.

21 A. So they were taking notes.

22 Q. Yes.

23 A. Yes.

24 Q. Okay. And it was a pretty big deal that they were asking
25 about a shooting; right?

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1 **A.** Yes.

2 **Q.** And they were asking about the shooting of Samartine Hill;
3 correct?

4 **A.** Yes.

5 **Q.** And you knew that they had you and had arrested you on the
6 Terrell Gale shooting; right?

7 **A.** Yes.

8 **Q.** But they had not arrested you on the Samartine Hill
9 shooting?

10 **A.** Yes.

11 **Q.** And in that video we saw, you put a hoodie up and tried to
12 disguise at least the back of your face, right, or the back of
13 your head.

14 **A.** I also had a bandana on my face.

15 **Q.** All right. So that you were covering here (indicating)?

16 **A.** Yes.

17 **Q.** That part here (indicating), meaning the bottom part of
18 your face?

19 **A.** Yes.

20 **Q.** And that was so that any cameras outside, the CCTV
21 cameras, wouldn't capture your face; right?

22 **A.** No. I wasn't even thinking about the cameras. I didn't
23 even -- I just came home. I didn't even know about that club
24 up there to even -- I mean, I assumed that later on there would
25 be cameras there, but I didn't even think about cameras. I did

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1 that to conceal my identity from the people that were outside.

2 Q. So there wouldn't be a witness; right?

3 A. So they wouldn't be able to identify me.

4 Q. All right. So you're in talking to the
5 Baltimore City Police, and you think that at this point that
6 you need to trade information to get out of jail; right?

7 A. Yes.

8 Q. And you tell him that Bangout actually did the shooting of
9 Mr. Hill; correct?

10 A. Yeah, that I heard Bangout did the shooting.

11 Q. Well, just a minute ago you told me you're not -- you
12 don't recall whether you heard it or you told them, "I heard
13 it," or whether I told 'em I -- that Bangout did it, sir.

14 A. Well, the finger was pointed at Bangout.

15 Q. Okay. You weren't going in there and telling them rumors.
16 You weren't trying to trade rumors for a get-out-of-jail,
17 right?

18 A. No.

19 Q. Yeah, you're telling 'em substantive facts; right?

20 A. Not all facts, but the majority. Everything except for
21 the shootin'. He was the driver. We -- we were in it
22 together, so --

23 Q. So you didn't think it was a big deal to finger him as
24 being --

25 A. No. It was a very big deal. It was a very big deal, and

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1 it was -- it was wrong for --

2 Q. Did you ever tell Bangout that you fingered him for a
3 shooting you did?

4 A. No, I didn't -- the last time -- next time I saw Bangout
5 after that is when we were -- we were locked up together in
6 DOC. So I -- I didn't even really -- and then the studio.
7 But, no, I didn't tell him.

8 Q. So after you've met with them, told them things and you're
9 still in jail -- now I'm talking about Baltimore City and
10 you're still in jail -- do you remember reaching out to
11 Ms. Middleton?

12 A. Yes; through letters.

13 Q. How many letters did you send her?

14 A. I don't recall. That was a long time ago.

15 (Counsel conferred.)

16 BY MS. WHALEN:

17 Q. Do you remember what was in that letter to Ms. Middleton?

18 A. Not offhand. If you show -- show me, then it will refresh
19 my memory.

20 Q. Thank you.

21 And what was the purpose of this letter to Ms. Middleton?

22 A. To basically let her know that, you know, I'm doing a lot
23 and I'll continue to do so. I just wanted my freedom.

24 Q. And do you remember the date of the letter?

25 A. No.

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1 **MS. WHALEN:** Your Honor, may I approach with
2 Miscellaneous 10? May I approach?

3 **THE COURT:** Yes, sure.

4 **BY MS. WHALEN:**

5 **Q.** I'm going to show you what's been marked already as
6 Miscellaneous 10. Do you see the date up here?

7 **A.** Yes.

8 **Q.** All right. Could you tell us what the date is.

9 **A.** 11/4/14.

10 **Q.** All right. And you're still locked up or incarcerated; is
11 that right?

12 **A.** Yes.

13 **Q.** And you're wanting out pretty bad; right?

14 **A.** Yes.

15 **Q.** Because you believe you have traded information; and for
16 that, you should get something; right?

17 **A.** Well, because she told me that after I -- I do what I was
18 supposed to do, then it would happen. And I already had done
19 it, and I was still waitin' for a couple months.

20 **Q.** Okay. And the "it would happen" would be that you would
21 get out of jail; right?

22 **A.** Yes.

23 **Q.** And nobody was -- you know, you're sitting there thinking,
24 I'm just sitting here and nobody's acting on it for me; right?

25 **A.** Yes.

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1 Q. So you say to her, I'm writing you this letter to
2 basically beg for my freedom; right?

3 A. Yes.

4 Q. And you want her to take action for you; right?

5 A. Yes.

6 Q. So you also say to her, I have been incarcerated for two
7 years now in this harsh conditions, or words to that effect;
8 right?

9 A. Yes.

10 Q. And what else do you remember now that you said to her?

11 A. I would have to see the letter. I don't remember it word
12 for word at all.

13 MS. WHALEN: All right. May I approach again,
14 Your Honor?

15 THE COURT: Certainly.

16 BY MS. WHALEN:

17 Q. All right. I'm going to point my finger to right here
18 (indicating)?

19 A. Right where?

20 Q. All right. See this, "I have done"?

21 A. Uh-huh.

22 Q. Read this for us, please.

23 MS. HOFFMAN: Objection.

24 THE COURT: Overruled.

25 THE WITNESS: [Reading]: I have done everything that

1 I possibly could thus far to cooperate and assist the State in
2 any and every way possible.

3 **BY MS. WHALEN:**

4 **Q.** All right. Read the next sentence for us.

5 **A.** [Reading]: Dating back to April 26th of last year.

6 **Q.** And the next?

7 **A.** [Reading]: At our very first proffer session, yet I still
8 haven't received any type of help on my end.

9 **Q.** Keep going, please.

10 **A.** [Reading]: It seems like all of my cries and pleas are
11 always falling on deaf ears. Please, I'm begging you, please
12 make the difference this time. I got you the arrest you
13 wanted. And upon my release, there will be plenty more to
14 come. I have a beautiful fiancée and two young stepchildren
15 who are waiting on me and anticipating my release. I also have
16 a job at Under Armour upon my release. I understand that there
17 is a waiting process and everything takes time in these
18 situations, but this whole sitting for years and years is
19 destroying not only my family but my sanity also.

20 **Q.** All right. Let me take a look at it, if you don't mind.

21 I think there's a statement in parentheses that you
22 skipped over reading, and I'm going to point that right --
23 point that out to you (indicating).

24 **A.** [Reading]: I guarantee that.

25 **Q.** And that was in relation to: I guarantee that there will

1 be arrests --

2 **A.** Yes.

3 **Q.** -- when I get out; right?

4 **A.** Yes.

5 **MS. WHALEN:** Could we approach briefly, Your Honor?

6 **THE COURT:** All right.

7 (Bench conference on the record:

8 **MS. WHALEN:** Your Honor, I would move Miscellaneous 10
9 into evidence, and I'll mark it as Defense Exhibit 1.

10 The Government indicated to me at the table that they
11 would object, so that's why I came up.

12 **MS. HOFFMAN:** Your Honor, he has fully admitted
13 everything that was written in this letter. And so, I mean, it
14 is hearsay. There's no reason that it should come in to
15 impeach him. He's read from it. He's admitted it. It
16 shouldn't come in as evidence.

17 **MS. WHALEN:** I think, Your Honor, it is direct proof
18 of the intent that he had at the time and --

19 **THE COURT:** Just to shorten things, we'll leave it
20 marked for identification now, and we can decide later.

21 **MS. WHALEN:** Sure.

22 **MS. HOFFMAN:** Thank you.)

23 (Bench conference concluded.)

24 **BY MS. WHALEN:**

25 **Q.** Were you lying to Ms. Middleton in that letter that you

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1 would get plenty of arrests when you get out?

2 A. No.

3 Q. You really meant: I'm going to get you arrests; right?

4 A. Yes.

5 Q. And you were guaranteeing that she would be happy with
6 your service; right?

7 A. Yes.

8 Q. Okay. And the way to get arrests on the street, since
9 you're not a lawyer -- I mean, excuse me, you're not a police
10 officer making the arrest is to rat on people; right?

11 A. Yes.

12 Q. So you would tell the police things that might be going
13 on; right?

14 A. Yes.

15 Q. And you would guaran -- or in that process, you would try
16 to help them make arrests; right?

17 A. Yes.

18 Q. And that's what you were promising to do with
19 Ms. Middleton; correct?

20 A. Yes.

21 Q. And in exchange or after that letter -- I guess that
22 letter was November 4th. You got released in December; right?

23 A. Yes.

24 Q. Okay. And that was after Ms. Middleton went into court
25 and/or another representative of their office went into court

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1 and asked the judge to give you what's called a time-served
2 disposition; do you remember that?

3 A. Yes.

4 Q. And "time served" means you get right out of jail; right?

5 A. Yes.

6 Q. No additional time from the day in which you're in front
7 of the judge being sentenced; correct?

8 A. Right.

9 Q. And was there some backup time associated with that?

10 A. Yes.

11 Q. And that backup time was how much?

12 A. 20 years.

13 Q. 20 years?

14 A. Uh-huh.

15 Q. And you had a plea agreement with the State of Maryland,
16 too; right?

17 A. Yes.

18 Q. And in that plea agreement, you agreed that you would
19 cooperate with them; right?

20 A. Yes.

21 Q. You agreed that you would testify truthfully if you were
22 asked to do so; right?

23 A. Yes.

24 Q. And you agreed that you would basically do whatever the
25 police asked you to do in order to help them get arrests;

W. BANKS - CROSS

1 right?

2 A. That wasn't part of the actual plea agreement, to my
3 knowledge. But -- 'cause even Ms. Middleton say, How do I know
4 that you'll continue to do what you're supposed to do as far as
5 cooperation when we let you out?

6 You know, I just told her I would. Then I did. Because
7 after I got the probation, even -- she said it. Like, I didn't
8 have to continue to cooperate. It would be nothin' to make me
9 continue to do it.

10 Q. All right.

11 A. But I chose to do it.

12 Q. Before you got out of prison, you cut the deal with the
13 State; right?

14 A. Yes.

15 Q. And you're actually in prison talking to the Government,
16 giving them information as part of that deal; right?

17 A. Yes.

18 Q. Okay. So as part of that deal, you are saying: I will
19 give you truthful information; correct?

20 A. Yes.

21 Q. But what you're telling us is that you think that after
22 you got sentenced, you no longer needed to give information to
23 the Baltimore City Police; right?

24 A. No, I never said that. I continued to give --

25 Q. About the case?

~~W. BANKS - CROSS~~

1 **A.** I continued to give information. I continued to work with
2 them. And at the time I was doing everything truthfully. Any
3 phone numbers changed, I was giving them everybody's new
4 number. I was giving them little stuff that I was hearing in
5 the streets that people were doing. I was cooperating fully.

6 **Q.** All right. And, of course, in that full cooperation, you
7 set the record straight and told 'em: Bangout didn't do the
8 shooting of Samartine Hill. I did the shooting of
9 Samartine Hill.

10 Right?

11 **A.** Even though I should have, I didn't, no.

12 **Q.** All right. And, in fact, you never really owned up to
13 that for a long, long time; right?

14 **A.** Yes.

15 **Q.** Okay. And it was really after you were cuttin' your deal
16 with the feds that you actually owned up to that; right?

17 **A.** No.

18 **MS. HOFFMAN:** Objection.

19 **BY MS. WHALEN:**

20 **Q.** Once you got arrested by federal authorities, that's when
21 you were confronted by the federal authorities or the agents
22 about the Samartine Hill shooting; right?

23 **A.** Yes.

24 **Q.** And you denied it to them too, and this is on August 26th;
25 right?

~~W. BANKS - CROSS~~

1 A. Initially.

2 Q. Initially?

3 A. Yes.

4 Q. What does that mean, "initially"?

5 A. It means when they first asked me, I still was saying
6 "no." And then throughout the interview, I just -- I gave up
7 and I just said "yes." And I told them every detail of how
8 everything happened and -- and then some.

9 Q. How many times did you say "no" initially?

10 A. I don't recall. It was a few times.

11 Q. And they continued to say to you: You did the Hill thing.
12 Fess up to it or own up to it, or words to that effect; right?

13 A. Basically, yes.

14 Q. Okay. And you told us yesterday you were actually a
15 little high then; right?

16 A. I was.

17 Q. All right. And you're asking them for a fix; right?

18 A. I was.

19 Q. Which means: Would you give me some heroin, ATF agent?
20 Right?

21 A. Yes.

22 Q. Now, at that time frame, you're thinking to yourself,
23 Okay. I haven't owned up to Samartine Hill with the
24 Baltimore City police officers.

25 Right?

~~W. BANKS - CROSS~~

1 A. At that time?

2 Q. At any --

3 A. At that time I did.

4 Q. At any time -- had you ever gone to the Baltimore City
5 Police and say, "Hey, guys, I lied to you about the
6 Samartine Hill shooting"?

7 A. No.

8 Q. And you never went to Dana Middleton and said,
9 "Ms. Middleton, I lied to you"; right?

10 A. No.

11 Q. And she stood up in court and actually said that -- or
12 someone for her actually said that you gave substantial
13 assistance, or words to that effect; right?

14 A. I did.

15 Q. Okay. She told a judge that; right?

16 A. That was the truth.

17 Q. But she didn't know that you had been lying; right?

18 A. She didn't know that I -- I lied about that.

19 Q. Okay.

20 A. No.

21 Q. So in your mind, it was there were these things over here
22 that were truthful that I didn't lie about, and then there was
23 this thing over here that I did that I did lie about. And,
24 gosh, that doesn't mean I shouldn't get out of jail; right?

25 A. I mean, I was wrong.

~~W. BANKS - CROSS~~

1 **Q.** So -- but even those local prosecutors and city police
2 were saying to you: All you need to do is tell the truth.

3 Right?

4 **A.** Yes.

5 **THE COURT:** Ms. Whalen, let me know when you're at a
6 good breaking point.

7 **MS. WHALEN:** This is a good point. Thank you.

8 **THE COURT:** All right. We're going to take the lunch
9 recess.

10 We'll start by excusing the jury.

11 (Jury left the courtroom at 12:58 p.m.)

12 **THE COURT:** All right. We'll excuse the witness.

13 And we'll excuse the gallery.

14 And let me just ask defense counsel: Are you still
15 wanting to go in the order of the indictment in terms of other
16 cross?

17 **MR. TRAINOR:** Yes.

18 **THE COURT:** We had talked about occasionally you might
19 want to do that differently.

20 Okay. That's fine. And I'll just remind everybody:
21 We are not going to hear the same question six times. So get
22 there -- everybody's got their own things to say, I'm sure.
23 And we will --

24 **MS. HOFFMAN:** Your Honor, if I could just ask a
25 scheduling question.

1 **THE COURT:** Sure.

2 **MS. HOFFMAN:** If we are -- if we do finish the witness
3 before 5:00, are you still going to want to go to 6:00? Are we
4 going to 6:00 regardless?

5 **THE COURT:** That is to finish this witness.

6 **MS. HOFFMAN:** To finish this witness. Thank you.

7 **MR. SARDELLI:** Your Honor, there's only one caveat to
8 what we just said. For Officer DiPaola, who's possibly next, I
9 think he deals mostly with Mr. Banks. I would request to go
10 first on that one.

11 **THE COURT:** Oh, sure.

12 **MR. SARDELLI:** The next one.

13 **THE COURT:** The next witness?

14 **MR. SARDELLI:** Yes, Your Honor.

15 **THE COURT:** That's fine. I was just asking about this
16 witness. I assume there are many other witnesses, and you may
17 indeed choose to order -- you know, change the order of the
18 witnesses. And if you want to go first as to Officer DiPaola,
19 that's fine.

20 **MR. SARDELLI:** Yes, ma'am.

21 **THE COURT:** No problem.

22 Okay. I'll see everybody at 2 o'clock.

23 (Luncheon recess taken.)

24 **THE COURT:** All right. Thank you. We can bring the
25 jury in.

~~W. BANKS - CROSS~~

(Jury entered the courtroom at 2:07 p.m.)

THE CLERK: Mr. Banks, you're still under oath.

THE COURT: Ms. Whalen.

MS. WHALEN: Thank you, Your Honor.

BY MS. WHALEN:

Q. Mr. Banks, you recall that you had a written plea agreement with the State of Maryland in the Gale shooting incident.

A. Yes.

Q. Do you recall that?

All right. I'm going to show you what's been marked as Defendant's --

MS. HOFFMAN: Objection.

BY MS. WHALEN:

Q. -- Exhibit Number 1 for the record.

THE COURT: Do you want to come up to the bench.

(Bench conference on the record:

MS. HOFFMAN: Your Honor, I think that it's completely proper to --

THE COURT: I can't hear you.

MS. HOFFMAN: I think it's completely proper to mark it for identification and ask him about his state plea agreement; but unless he lies about it, then I don't think it comes in as an actual exhibit.

THE COURT: Okay. Well, for now we'll just mark it

~~W. BANKS - CROSS~~

1 for identification, and you can use it to cross him.

2 **MS. WHALEN:** Thank you.)

3 (Bench conference concluded.)

4 **MS. WHALEN:** Your Honor, I'll mark this for
5 identification purposes only at this time.

6 **BY MS. WHALEN:**

7 **Q.** And do you recall that the date of the agreement was
8 December 11th, 2014?

9 **A.** I don't actually recall the date, the actual date.

10 **Q.** All right. There's only one written plea agreement with
11 the State of Maryland in that case; is that correct?

12 **A.** Yes.

13 **Q.** All right. And in that agreement, you agreed to plead
14 guilty to first-degree, attempted murder of Khamani Gale;
15 right?

16 **A.** Yes.

17 **Q.** And that is the 2-year-old child that was in the car;
18 correct?

19 **A.** Yes.

20 **Q.** And first-degree, attempted murder, what was your
21 understanding of the maximum penalty that you could receive?

22 **A.** Well, the maximum penalty is life.

23 **Q.** In the state of Maryland; correct?

24 **A.** Yes.

25 **Q.** All right. And your deal with the Government was you

~~W. BANKS - CROSS~~

1 admitted to the shooting; correct?

2 A. Yes.

3 Q. And you also admitted that you stole a .40-caliber gun,
4 firearm; right?

5 A. Yes.

6 Q. And that was what you used in the Gale shooting; correct?

7 A. Yes.

8 Q. And in your plea agreement, there were some specific terms
9 that you had to abide by; in other words, obligations that you
10 had to follow and obligations that the State of Maryland had to
11 follow; is that correct?

12 A. Yes.

13 Q. And your obligations included that you represented to the
14 State of Maryland -- that would be Ms. Middleton as the
15 representative of the State of Maryland -- that you had fully
16 and truthfully responded to all questions put to him by
17 law enforcement authorities during prior interviews.

18 Do you recall that that was your obligation?

19 A. Yes.

20 Q. And by signing this agreement, you were telling
21 Ms. Middleton -- and others, of course -- that you had fully
22 and truthfully answered their questions; right?

23 A. Yes. Regarding the case, yes.

24 Q. Regarding the case.

25 A. Yes.

~~W. BANKS - CROSS~~

1 Q. But this is a total cooperation agreement that you had
2 with the State of Maryland that was not pinpointed solely to
3 the Gale case; right?

4 A. To my knowledge, it was for the case.

5 Q. And you were supposed to cooperate about and answer
6 questions about anything, not just the Gale case; right?

7 A. I mean, during the proffers, yes.

8 Q. And do you recall one of your obligations was you shall
9 continue to cooperate fully with the State by providing full,
10 complete, and candid information concerning your illegal
11 activities and the illegal activities of others of which the
12 defendant has knowledge -- or you had knowledge. Excuse me.

13 Remember that as being an obligation?

14 A. I -- I don't remember that being read to me, but if it's
15 in the contract that I signed, then I agreed with it.

16 Q. All right. And then -- I'll tell you what. Let me show
17 you what we've already marked as Defendant's 1 for
18 identification.

19 MS. WHALEN: If I may approach?

20 THE COURT: Sure.

21 BY MS. WHALEN:

22 Q. Take a look at the title and let me know if you recognize
23 that (handing).

24 A. Yes.

25 Q. Okay. I'm going to ask you to flip over -- maybe I can

~~W. BANKS - CROSS~~

1 get to it faster, if you don't mind.

2 Page 4, and I'm going to direct your attention to point --
3 or letter F. Take a look at that.

4 A. Okay. You want me to read it?

5 Q. Take a look at it and read it to yourself, if you would.

6 Do you remember now that, indeed, in your contract with
7 the State of Maryland, you signed that you shall continue to
8 cooperate fully with the State by providing full, complete, and
9 candid information about your illegal activities?

10 A. Yeah, I remember signing that document, yes.

11 Q. Okay. And the illegal activities of others; right?

12 A. Yes.

13 Q. Now, in exchange for your cooperation and plea in the
14 case, you were going to get 20 years, suspend all but
15 time served; right?

16 A. Yes.

17 Q. And three years of supervised probation; right?

18 A. 18 months.

19 Q. Well, would it help you if you looked at the document to
20 recall whether originally it was three years of supervised
21 probation?

22 A. I've -- I've never even heard of three years at all. It
23 was 18 months that I was given --

24 Q. Okay.

25 A. -- probation.

~~W. BANKS - CROSS~~

1 Q. And if you failed or messed up on cooperation and you
2 didn't follow the obligations in this agreement, do you recall
3 that you would receive 30 years in prison?

4 A. No. It was just 20. And even when I signed up to see a
5 probation officer, they never read that as a stipulation of my
6 probation.

7 Q. All right. I'm going to ask you again, if I can approach
8 again, to take a look at Page 5 of your contract. And in the
9 middle of the page, if you'd read that, sir.

10 A. Right here (indicating)?

11 Q. Right here (indicating), yes.

12 A. Here (indicating) or here (indicating)?

13 Q. Down here (indicating).

14 A. Attempted first-degree murder of Khamani Gale; maximum
15 penalty, life in prison; sentence, 30 years.

16 Q. All right. And the very top, that is indicating if the
17 defendant fails to complete each and every obligation within
18 the plea agreement; right?

19 A. Yes.

20 Q. Okay. So then you were going to get 30 years if you
21 didn't complete your cooperation under the agreement?

22 A. This is my first time ever hearing 30 years at all. It
23 was always 20 years, all suspended by time served, 18 months'
24 supervised probation.

25 Q. But was it your understanding that if you didn't fulfill

1 the obligations in the agreement, that you could potentially
2 get life?

3 **A.** It was my understanding that if I was to violate my
4 probation by catching new charges or technical violations, then
5 I could be sentenced to some type of time.

6 But I was told by my PO when I registered for the
7 probation, those weren't stipulations of my probation. Nothing
8 about the cooperation -- the agents even said and Ms. Middleton
9 even said, you know, We don't -- we have no guarantee you'll
10 continue to operate.

11 **Q.** Let's go back a minute.

12 You're saying to Ms. Middleton and the State of Maryland:
13 I give you information. That's my cooperation; right?

14 **A.** Yes.

15 **Q.** Okay.

16 **A.** And I will continue to do so.

17 **Q.** Then she gives you a plea agreement; right?

18 **A.** Yes.

19 **Q.** And you don't dispute that in the plea agreement, these
20 things that we just read to the jury that you are obliged to do
21 in order to get that 20 years, suspend all but time served, do
22 you?

23 **A.** I honestly don't even remember reading the agreement or
24 having it read to me. I was just told what we agreed upon was
25 in there and I signed it. I -- I pled guilty and was released,

1 and I was sentenced months later from the street.

2 Q. No question in your mind that had you -- before you got
3 sentenced now, had Ms. Middleton found out that you'd been
4 lying, that you might have messed up your agreement?

5 A. Yes, that's a strong possibility.

6 Q. Okay. And that if you had messed up your agreement, you
7 could get more time than time served; right?

8 A. Yes.

9 Q. So you had every incentive to make sure Ms. Middleton --
10 and perhaps the officers -- believed you; right?

11 A. Yes.

12 Q. Even though you knew you were lying; right?

13 A. Yes.

14 Q. Now, I'm going to take you back now to 2015. Again, I
15 believe in that time frame, like February, March 2015, you have
16 now been released from prison under -- you've been sentenced in
17 the Gale shooting; right?

18 A. Yes.

19 Q. All right. And so you're now on the street; right?

20 A. Yes.

21 Q. And you're helping some police at times; right?

22 A. Yes.

23 Q. Or giving them information, you told us; right?

24 A. Yes. I was fully cooperating.

25 Q. And during that time frame, I believe it was May 22nd of

~~W. BANKS - CROSS~~

1 2015, do you recall that you -- and I think you told us about
2 it -- you were stopped with Kane.

3 A. Yes.

4 Q. And Kane's real name is Eddie McCargo; right?

5 A. Yes.

6 Q. And do you remember that the police stopped you all? You
7 were up in Dundalk area, I believe; is that right?

8 A. Yes.

9 Q. And they stopped you because they thought that there was
10 some drug dealing going on; right?

11 A. Yes.

12 Q. And, in fact, you did have drugs on you; right?

13 A. Yes.

14 Q. And you hid them from the police; correct?

15 A. Yes.

16 Q. And I guess Kane also had some drugs on him as well?

17 A. Yes.

18 Q. But he wasn't able to hide it as effectively as you?

19 A. Right.

20 Q. Okay. Now, that -- those drugs that you had were drugs
21 that you had for sale; right?

22 A. Yes.

23 Q. Okay. Were you -- what kind of drug was it?

24 A. It was heroin.

25 Q. All right. Were you using heroin at that time?

~~W. BANKS - CROSS~~

1 A. No, not really, it was more Percocets than anything.

2 Q. All right. And so you were earning your -- earning your
3 way, if you will, dealing in drugs at that point --

4 A. Yes.

5 Q. -- in time?

6 A. Dealing in drugs, music.

7 Q. Any way you could, really, earn a buck?

8 A. Mainly just drugs, music, and -- and -- and CI work.

9 Q. CI work means you were getting paid for things that you
10 told or did --

11 A. Right.

12 Q. -- for the Baltimore Police; right?

13 A. Right.

14 Q. Okay. And you told us yesterday that you think that was
15 somewhere around \$7,000?

16 A. Yes, roughly. And I'm just -- I'm just guessing. It may
17 be less. It may be more. I -- I don't know.

18 Q. All right. And do you recall, then, telling those
19 Baltimore City officers or Ms. Middleton or anyone about this
20 stop with Mr. -- or with Kane?

21 A. I don't recall.

22 Q. Now, at that point you would be in contact with
23 Sergeant Martini and Gerber -- or Garber? Pardon me.

24 A. Yes. I think it was just -- I think it was just Martini
25 then.

~~W. BANKS - CROSS~~

1 Q. Okay. And so you don't recall picking up the phone or
2 meeting with --

3 A. No, I don't.

4 Q. -- Martini and saying --

5 A. I don't remember if I -- if I told him or not.

6 Q. Okay. Let me finish my question.

7 -- saying to them, Hey, I got stopped the other night by
8 police? Did you tell 'em that?

9 A. I don't think I did, no.

10 Q. Okay. And -- 'cause you wouldn't want them to think you
11 were messin' up on the deal, right, on the cooperation deal?

12 A. Well, I mean, at the time I really didn't feel as though
13 it was relevant because I wasn't arrested for anything and he
14 was arrested. So it would be no -- you know, it's nothin' to
15 build a case from or -- or get him arrested. He's arrested.
16 He got hisself arrested, you know.

17 Q. And did you tell your probation agent that you were
18 stopped by police and you had drugs on you?

19 A. I didn't have to check in with the agent except for the
20 initial time.

21 Q. Did you tell your probation agent about --

22 A. I didn't have an agent. You check in. You register.
23 It's unsupervised probation. You just register, and then
24 that's it.

25 Q. So as far as you knew, no one knew about that stop with

~~W. BANKS - CROSS~~

1 Kane?

2 A. No one outside of homies, no.

3 Q. All right.

4 A. No one as far as law enforcement, no.

5 Q. And are you aware of whether the police that stopped you
6 contacted Sergeant Martini?

7 A. I'm not sure. I don't think they did, but I -- I don't
8 know.

9 Q. Now, let's go a little further into time.

10 In January of 2016, do you recall that that's when you
11 first met up with federal law enforcement officers in a proffer
12 session?

13 A. Yes.

14 Q. Okay. And so now you're going to work for -- was it ATF?

15 A. Yes.

16 Q. And you're going to get paid by ATF; right?

17 A. Yes.

18 Q. All right. And, again, did you still have Catherine Flynn
19 as your lawyer there?

20 A. No.

21 Q. Were you represented by counsel then?

22 A. No. It was just -- it was me.

23 Q. Just you.

24 A. I didn't have any pending cases to need counsel.

25 Q. Okay. And so at that point in time, who is it? Is it

~~W. BANKS - CROSS~~

1 Agent Bradley Hood that you were actually supposed to be
2 contacting and talking to?

3 A. Yes. That was my handler.

4 Q. And your handler, did he tell you you must contact him on
5 a certain period of time -- like every week? every day? What
6 was that?

7 A. He didn't really say per -- per se just contact him at a
8 certain time, but just he said try to stay in contact as much
9 as possible.

10 Q. And how frequently do you think you did talk to him?

11 A. Sometimes two, three times a week. Sometimes it may be
12 once a week. It depend on what's going on.

13 Q. And as time went by, February into March, you said that
14 you did a controlled purchase, for instance, of some heroin;
15 right?

16 A. Yes.

17 Q. And at that time I think you told us you made 800 to a
18 thousand dollars for a controlled purchase; right?

19 A. Yes. And let me correct myself. It wasn't heroin. It
20 was cocaine.

21 Q. Thank you.

22 So for a cocaine sale, ATF would pay you a sliding scale,
23 800 to a thousand dollars; right?

24 A. It depends on the amount you're purchasing and what you're
25 purchasing, because that's not the only controlled buy I've

1 done, you know, so --

2 Q. How many have you done?

3 A. I've done two. One was for the drugs and one was for a
4 machine gun.

5 Q. And how much did you get paid for the machine gun?

6 A. I really can't remember. It's probably about the same.

7 Q. And what, in your mind, makes it a sliding scale? What
8 would you get 800 for, and what would you get a thousand for?

9 A. You might get a thousand for gettin' somebody locked up
10 with a gun.

11 Q. And how about for the controlled buys?

12 A. It varies. If it was a larger quantity of drugs, then I
13 probably would have gotten more.

14 Q. And the controlled buy would take you, what -- you know,
15 just minutes to actually do it, 'cause we saw that video;
16 right?

17 A. Right.

18 Q. But maybe your time involved is a little bit more than
19 that 'cause you've got to meet with the agent --

20 A. Right.

21 Q. -- and they have to wire your car; right?

22 A. Well, they put me in a car that was already wired.

23 Q. I got it. Okay.

24 So 800 to a thousand bucks, pretty good money for the
25 amount of time you're spending; right?

~~W. BANKS - CROSS~~

1 A. Yes. But it's also -- it's also less for the risk that
2 you're takin'.

3 Q. And the agents were all around you; right?

4 A. I never saw the agents all around me. It was a rendezvous
5 point. And I drove on my own to meet the person to buy the
6 drugs, and then I had to drive back to them.

7 Q. You don't think they were lettin' you just run out there
8 and buy drugs without them being involved; right?

9 A. I'm just -- of course, they were involved. I was in a car
10 that was wired for sound --

11 Q. Okay.

12 A. -- and for video. But I didn't see them myself to say,
13 Oh, that's an agent.

14 They didn't say, We will be right here.

15 They just said, Meet me back after you make the purchase.

16 Q. Now, do you recall that on April 8th of 2016, Bradley --
17 Agent Bradley Hood actually warned you and said, You know, you
18 can't be having firearms, things like that? Remember that?

19 A. Yes.

20 Q. And they said to you, You can't be posting pictures of
21 yourself with firearms on social media; right?

22 A. Yes.

23 Q. All right. And that was because they had actually seen
24 you somewhere with a firearm; right?

25 A. Yes.

~~W. BANKS - CROSS~~

1 Q. I mean, it didn't come out of the blue. They pulled you
2 in and said, Hey, you got to shape up; right?

3 A. Yes.

4 Q. I'm going to show you what's been marked as
5 Defendant's Exhibit 2.

6 Is this the photograph that they saw of you that caused
7 them to warn you?

8 A. I don't know.

9 Q. Did they ever show you the photograph?

10 A. No.

11 Q. Now, this is a photograph of you at the bottom; right?

12 A. Yes.

13 Q. And what are you holding?

14 A. A handgun.

15 Q. What kind of gun is that?

16 A. That was a .40.

17 Q. .40-caliber?

18 A. Yeah.

19 Q. And then standing above you is who?

20 A. That's my ex.

21 Q. And what is her name?

22 A. Kisha.

23 Q. What is her last name?

24 A. Conyers.

25 Q. And what is she holding?

~~W. BANKS - CROSS~~

1 **A.** A revolver and a shotgun.

2 **Q.** What kind of revolver is it?

3 **A.** That's a 9.

4 **Q.** Is that a 9-millimeter?

5 **A.** Yes.

6 **Q.** And it's a little bit hard for me to tell. Does it have
7 an extended clip or anything?

8 **A.** A revolver?

9 **Q.** Right.

10 **A.** No.

11 **Q.** Okay. Is her hand covering -- I guess it's covering the
12 grip there; is that right?

13 **A.** Yeah. I mean, it was a little gun.

14 **Q.** Okay. And then the other gun that she's holding, do you
15 have any specific --

16 **A.** I think it was a 12-gauge.

17 **Q.** Where are you?

18 **A.** In the house, in my old house.

19 **Q.** Now, once they gave you those warnings, you still
20 continued to be a cooperator for ATF; correct?

21 **A.** Yes.

22 **Q.** Was Baltimore City Police involved at all at this point?

23 **A.** No, I don't think they were.

24 **Q.** Okay.

25 **A.** I think it was just all ATF by then.

~~W. BANKS - CROSS~~

1 Q. And by then --

2 A. Yeah, it was, as a matter of fact. It was all ATF.

3 Q. By then you believe you are talking just with Agent Hood?

4 A. Yes.

5 Q. Now, you've told us that February, you were at a gas
6 station shooting at the BP; right?

7 A. Yes.

8 Q. All right. And we saw the video. You saw it, that sort
9 of portion two or three times that the Government played;
10 right?

11 A. Yes.

12 Q. All right. And you didn't see a gun in that video, did
13 you, sir?

14 A. No, not necessarily, but it was dark.

15 Q. Did you see a gun in that video?

16 A. No.

17 Q. Now, there were several different meetings with ATF agents
18 and prosecutors from the United States Attorney's Office where
19 you talked about events; right?

20 A. Yeah.

21 MS. HOFFMAN: Objection.

22 Can you clarify the time frame.

23 BY MS. WHALEN:

24 Q. From the time frame when it was just ATF, April of 2016
25 until even today's date, there have been several different

~~W. BANKS - CROSS~~

1 meetings where you have met with Ms. Hoffman or Ms. Perry and
2 the agents or a combination; is that correct?

3 **A.** I know I met with the agents. I'm not sure if -- if it
4 was with the prosecutors as well around that time. It may have
5 been once, if I'm not mistaken -- no. It may have been twice.

6 **Q.** How many total times have you met with the prosecutors in
7 this case?

8 **A.** I -- I don't know. I didn't -- I never counted how many
9 times.

10 **Q.** More than five?

11 **A.** Maybe just five.

12 **Q.** All right. And --

13 **A.** I've met with the agents more than --

14 **Q.** And you've met with the prosecutors in order to go over
15 your testimony; correct?

16 **A.** Yes.

17 **Q.** And how many times did you do that?

18 **A.** Once.

19 **Q.** And each time I guess your attorney was there as well?

20 **A.** Yes.

21 **Q.** Now, do you recall, then, in September of 2016, you told
22 law enforcement that Nick -- that would be Dominick Wedlock --

23 **A.** Yes.

24 **Q.** -- Nick took your gun, not --

25 **MS. HOFFMAN:** Objection --

1 BY MS. WHALEN:

2 Q. -- Gutta's gun --

3 MS. HOFFMAN: Objection.

4 THE COURT: Approach the bench.

5 (Bench conference on the record:

6 MS. HOFFMAN: I'm sorry. Is there a good-faith basis
7 for doing that? I don't have any.

8 THE COURT: I can't hear you.

9 MS. WHALEN: Yes, there is. She's asked me if there's
10 a good-faith basis, and it's from the proffer session.

11 MS. HOFFMAN: I'm sorry. Can you point to where --

12 MS. WHALEN: September 16th, two thousand -- no.

13 September 12th, 2016.

14 MS. HOFFMAN: I don't think that he ever said that
15 Nick's gun was taken. Can you point to what you're talking
16 about.

17 MS. WHALEN: I have to go back and get . . .

18 I mean, Your Honor, I'm taking it from the discovery
19 and Jencks, so I do believe . . .

20 THE COURT: Does anybody have a copy of the
21 September 12th?

22 Is it in there?

23 MS. HOFFMAN: Yes.

24 THE COURT: You can tell Ms. Whalen she can continue.
25 She doesn't have to come up.)

(Bench conference concluded.)

THE COURT: You're okay.

MS. WHALEN: We're okay.

THE COURT: Yes.

BY MS. WHALEN:

Q. So my question was, sir, that you told law enforcement agents that Nick took your gun at the gas station shooting, not Mr. Bailey's; right?

A. No.

Q. They were taking notes; right?

A. I've never said that out my mouth.

Q. My question was: Do you recall if the agents were taking notes?

A. I would assume that they were taking notes because that's what they do when we meet, but I've never said that he's taken a gun from me or I've given him a gun. And he definitely didn't ask me for a gun.

Q. Now, sometime after the gas station shooting, James Edwards was killed; right?

A. Yes.

Q. Okay. And you remember that Little Mal or Lil Mal, is that?

A. Mal.

Q. Mal. That he indicated to you that he actually dropped Bangout off around the way; right?

~~W. BANKS - CROSS~~

1 A. Yes.

2 Q. And "around the way" means the gas station area --

3 A. Right.

4 Q. -- or Forest Park area; right?

5 A. Yes.

6 Q. Okay. And Collins Avenue, do you know where that is?

7 A. No.

8 Q. Okay. Do you know where Mr. Edwards was found?

9 A. No. I mean, I know it was Collins, but I've never been
10 over there.

11 Q. Okay. That's not in your -- the neighborhood of
12 Forest Park and Windsor Mill; right?

13 A. I don't know. I never even -- I didn't ask where it was
14 at or anything.

15 Q. Okay. And did you ask or learn what time it was that he
16 was dropped off around the gas station area?

17 A. I asked him when was that. He just said at the -- when
18 they left the studio, if I can remember correctly.

19 Q. And do you know what time that was?

20 A. No.

21 Q. And the studio is on Maryland Avenue; is that right?

22 A. Yes, it was.

23 Q. And it really is -- you have like equipment to do your
24 music; right?

25 A. Yes.

~~W. BANKS - CROSS~~

1 Q. Okay. Can you describe that all for us.

2 A. It's a recording booth. It's the microphones in there.
3 And it's mixing equipment, computers. You know, it's a real
4 recording studio.

5 Q. All right. And how frequently would you go to the
6 recording studio?

7 A. Well, I didn't have a car back then, so I would go when I
8 could.

9 Q. And the music that we've seen -- well, strike that.

10 The rap music that you made, was it all done from that
11 studio or was it done from various locations?

12 A. From various locations.

13 Q. Were there other studios besides the Maryland Avenue one?

14 A. We went to a couple of 'em, but that was actually our
15 studio, but we've recorded at other people's studio as well.

16 Q. All right. For how long a period of time did you all have
17 a studio on Maryland Avenue?

18 A. Well, when I came home, it was just there, so I don't
19 actually know how long. But --

20 Q. For a time, though?

21 A. For -- for sort of my time. And then Gutta put a studio
22 in his house, so used to go over there all the time.

23 Q. And you would perform rap there as well?

24 A. Right, we would record there.

25 Q. And sometimes it would be on the streets?

~~W. BANKS - CROSS~~

1 **A.** Excuse me?

2 **Q.** Sometimes you would actually film on the streets in the
3 neighborhood?

4 **A.** Oh, actual videos?

5 **Q.** Yes.

6 **A.** Yes. We would shoot videos in various places, but we
7 would record music in Gutta's house after the Maryland Avenue
8 studio was closed down.

9 **Q.** Now, we watched one yesterday, and there was like a
10 tussle, you know, a fight?

11 **A.** Yes.

12 **Q.** Okay. And that was acting; correct?

13 **A.** Yes.

14 **Q.** And weren't they actually real actors that came to perform
15 those scenes?

16 **A.** No.

17 **Q.** You had never met those people that were actually
18 performing that acting job; right?

19 **A.** No. They were just some little dudes from Nizzy's
20 neighborhood.

21 **Q.** And do you know whether they were paid to perform as they
22 did?

23 **A.** I think the dude got paid to get slapped.

24 **Q.** Okay.

25 **A.** But I don't know how much.

~~W. BANKS - CROSS~~

1 Q. Now, with regard to Mr. Edwards, you've already told us he
2 was your friend; right?

3 A. Yes.

4 Q. And for how long a period of time did you know him?

5 A. Well, I known him since I was 13, but I haven't been in
6 contact with him since we've -- like, the whole time until we
7 were adults. That's when I saw him again, when we were adults.
8 So it was a long break because of prison between the both of
9 us.

10 Q. And he was dating a woman named Lady T or Tierra Williams
11 at one point; is that right?

12 A. Yes.

13 Q. And did they have a child together?

14 A. Yes.

15 Q. And when Bangout went to jail at some point, of course,
16 obviously before he was killed, you actually stepped out with
17 Lady T; right?

18 A. No. When I came home from prison, they weren't together.
19 And I didn't know that that was his actual girlfriend at one
20 time. I thought they were just having fun. And we ended up,
21 you know, linking up. That wasn't my girlfriend or nothing,
22 but we would just -- we were cool. We would have fun from time
23 to time. And then she found out she was pregnant and it was
24 his, so we ended up breaking things off. It wasn't --

25 Q. Right.

~~W. BANKS - CROSS~~

1 **A.** -- you know.

2 **Q.** And that caused a problem with Bangout, right, when he
3 learned that you had been seeing Lady T; right?

4 **A.** No.

5 **Q.** No problem at all with Bangout?

6 **A.** No problem at all. He always told me he -- he didn't
7 care.

8 **Q.** Do you recall that there was a time when you and Bangout
9 or Bangout confronted you about it?

10 **A.** About being with her?

11 **Q.** That's right.

12 **A.** No.

13 **Q.** Now, you've also told us that one of the sanctions for
14 MMP, I believe you said, was if you didn't pay your dues, you
15 could get beat; right?

16 **A.** Yes.

17 **Q.** And you've told us about Black Brotherhood --
18 Black Brotherhood Alliance, I believe it is; right?

19 **A.** Black Blood Brotherhood.

20 **Q.** That's right, Black Blood Brotherhood.

21 And in Black Blood Brotherhood, you mentioned and were
22 actually shown a picture of Gutta in a car with Spotty and
23 Fish; right?

24 **A.** Yes.

25 **Q.** And Spotty and Fish were both rappers as well; correct?

~~W. BANKS - CROSS~~

1 **A.** I've never heard Fish rap before at all.

2 Spotty used to rap.

3 **Q.** Okay. And he would rap with Gutta right?

4 **A.** Yeah, he would rap. I had a song with him. He rapped
5 with Gutta before. He rapped with the dudes from his
6 neighborhood, YBG.

7 **Q.** Now, you told us that at some point Gutta told you that he
8 actually killed Bangout; remember saying that?

9 **A.** Yes.

10 **Q.** And you claimed that you're the only person that heard
11 that; right?

12 **A.** Well, he pulled me up. I was the only one standing right
13 there.

14 **Q.** Okay. So to your knowledge, you are the only human being
15 on the face of this earth that heard my client say he killed
16 Bangout; right?

17 **A.** I don't know about that. I just know he told me. I don't
18 know who else he may have told --

19 **Q.** Okay.

20 **A.** -- or who may have known, but --

21 **Q.** And that would have been months later; right?

22 **A.** Yes.

23 **Q.** Now, did you ever go back and tell Baltimore City Police
24 about what you learned about Bangout's killing?

25 **A.** I -- I think I discussed it in an interview. I already

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1 told them that I felt like it was him, but I don't know. I
2 told them straight up, "I don't know at all."

3 And after he told me, I think I text my handler and let
4 him know that he just told me this information.

5 Q. When did you text your handler?

6 A. I think the next day.

7 Q. And who would that be at that time?

8 A. Martini.

9 Q. Martini?

10 A. Yeah, if I'm not mistaken. If it wasn't Martini, it was
11 Gerber at the time.

12 Q. Okay. And those two gentlemen would have told you that
13 it's really important for you to tell us if you know about a
14 murder; right?

15 A. Yes.

16 Q. And how about Brian Johnson, Nutty B; when you learned
17 about all that, you didn't tell Baltimore City Police about
18 that either, did you?

19 A. I told my handler.

20 Q. Which handler is that, sir?

21 A. It -- what year was it again?

22 Q. That was in September of 2015.

23 A. Then it was -- it was either -- it was Martini.

24 Q. All right. Are you just guessing about this now?

25 A. Because of the time frame that I was signed up with what

~~W. BANKS - CROSS~~

1 agency, so it's not a guess. I told -- whoever was my handler
2 at the time is who I told as soon as I found the information
3 out. I know that for a fact.

4 **Q.** And you believe you thoroughly discussed with them
5 everything you learned about the Edwards case and about the
6 Nutty B case; right?

7 **A.** Yes, as far as -- to the best of my knowledge.

8 **Q.** Now, I'm going to ask you -- I'm going to show you GP-2A,
9 which is the Page 1 of that exhibit.

10 **MS. HOFFMAN:** Objection.

11 **THE COURT:** Is this for identification?

12 **MS. HOFFMAN:** Yeah, it was for identification only.

13 **THE COURT:** I think that's where we were. It was for
14 identification, so if you want to show it.

15 **MS. WHALEN:** Well, I'll tell you what, then I'll have
16 this marked as Defense Exhibit, this will be 3.

17 **BY MS. WHALEN:**

18 **Q.** Now, you remember being asked questions about a document
19 and in the document it was entitled "My All Family I Am"?

20 **A.** Yes.

21 **Q.** That would be yesterday?

22 **A.** Yes.

23 **Q.** Okay. And you said you had read that; right?

24 **A.** Yes.

25 **Q.** All right. And so I'm going to show you Page 1, but it

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1 will be Defendant's Exhibit 3 now.

2 **THE COURT:** Is this something -- I'm sorry. This is
3 not the for-identification --

4 **MS. HOFFMAN:** I believe it is.

5 **MS. WHALEN:** The Government's is apparently for
6 identification only. I'm moving in Page 1.

7 **THE COURT:** Okay. Is there an objection?

8 **MS. HOFFMAN:** No. I think there's proper foundation
9 laid.

10 **BY MS. WHALEN:**

11 **Q.** All right. Can you see that, sir?

12 **A.** Yes.

13 **Q.** All right. It's called My Family -- My All Family I Am?

14 **A.** Yes. Stands for mafia.

15 **Q.** And then the -- why don't you, if you would, read for us
16 the beginning -- I guess it would be all the way down to where
17 it says "family to be successful."

18 **A.** [Reading]: The new world order is the reconstruction of
19 our family. It is the phase needed to clean our house, instill
20 the morals and principles back into ourselves, bring back the
21 discipline, bring back the unconditional and undying love for
22 family. 7, open -- open the doors for those to become great
23 would put forth the proper effort that is needed for this
24 family to be successful.

25 **Q.** And then can you read the next paragraph for us.

~~W. BANKS - CROSS~~

1 **A.** [Reading]: From this day forth, all status from before is
2 gone. This has to be done because most of us were given the
3 wrong impression and raised improperly in regards to earning
4 it. Most of us are still in the mind frame that we deserve
5 status because we put in work. With the NWO, violence does not
6 get you status. Putting in work consists of what you bring to
7 the table, your influence upon others, and your ability to use
8 your mind. Those who have a problem with this, dig deep and
9 bring forth the understanding needed for you to continue to
10 live. For those that believe in this little thing of ours, you
11 already understand that this is the only option.

12 **Q.** Now, you remember Reckless?

13 **A.** Reckless?

14 **Q.** Do you remember Reckless, someone by the name of Reckless?

15 **A.** Did he have another name?

16 **Q.** Do you remember -- you told us about Tech; right?

17 **A.** Yes.

18 **Q.** Okay. And Tech left MMP or got out of MMP; right?

19 **A.** Yes.

20 **Q.** Let me see if this triggers any memory. Did Reckless, a
21 person named Reckless, also walk away from MMP?

22 **A.** I don't remember the name Reckless.

23 **Q.** Asia, she also walked away from MMP; right?

24 **A.** To my knowledge, Asia was -- was a rat. And the only
25 reason that nobody killed her was because it was Gutta's baby

~~W. BANKS - CROSS~~

1 mother and he said that.

2 Q. Okay.

3 A. So she didn't walk away. She was given a pass because she
4 has his child.

5 Q. And Tanza walked away; right?

6 A. She was supposed to die.

7 Q. Tanza is not dead; right?

8 A. No.

9 Q. Okay. Asia is not dead; right?

10 A. No.

11 Q. Tech is not dead; right?

12 A. No.

13 Q. All right. And do you remember Tierra, of course, Lady T
14 we were talking about?

15 A. Yes.

16 Q. All right. She walked away from MMP and is not dead;
17 right?

18 A. I didn't -- the last time I saw her, she was mobbin'. So
19 I haven't seen her since.

20 Q. Okay. So you don't know her status?

21 A. I haven't seen any of these -- any of these females since
22 2012, and that's -- that's really it. And the last that I even
23 heard about the one was that she was supposed to -- supposed to
24 die.

25 MS. WHALEN: Would the Court indulge me one moment.

(Counsel conferred.)

THE WITNESS: As a matter of fact, Reckless --

THE COURT: I'm sorry. Wait for another question.

MS. WHALEN: Thank you.

BY MS. WHALEN:

Q. I'm going to show you a photograph. And I'll have it marked as Defendant's Exhibit 4.

Take a look at this photograph. Do you recognize the female there? And I'm pointing to the woman in the blue shirt (indicating).

A. It looks like Tanza, but I can't really -- it's blurry over there.

Q. Okay. And do you know who she's standing with?

A. Gambino.

Q. All right. Now, in April of 2016, okay, you have -- you're now working for ATF alone or solely, okay? And there is a shooting of Mr. Hornes; correct? You don't know the name?

A. No.

Q. Okay. Let me go back.

Mookie, you told us, was shot and killed; right?

A. Yes.

Q. And then you said everybody went down to the Wells Fargo parking lot; right?

A. Yes.

Q. And that's fairly close to the BP gas station; right?

~~W. BANKS - CROSS~~

1 A. Yes.

2 Q. Maybe a block or so away or two blocks?

3 A. No, no. It's way -- it's way further than that. You
4 still got to go through back streets and back roads to get to
5 it. But you can get to one neighborhood to the other through
6 back roads.

7 Q. Okay. And people were gathering to mourn the loss of
8 Mookie; right?

9 A. Yes.

10 Q. And then you indicated that you started texting and/or
11 calling Agent Hood because some people were saying they were
12 going to get strapped up; right?

13 A. Yes.

14 Q. And in your text to Agent Hood, you actually said to him
15 specifically that people were getting, like, restless or
16 something along those lines and you wanted him to know; right?

17 A. Yes.

18 Q. And you also told him people were at Wells Fargo lot;
19 right?

20 A. Yes.

21 Q. And then you also told him that Mr. Lockley and Gutta got
22 in a blue Lexus and were driving around.

23 Do you remember that?

24 A. Yes.

25 Q. Okay. And you told him specifically those two people were

1 driving around; right?

2 A. Yes.

3 Q. You didn't include yourself in that text or that phone
4 call; right?

5 A. No.

6 Q. You let Agent Hood believe that there was two other people
7 driving around to do harm; right?

8 A. Yes.

9 Q. Okay. Now, was it a lie then that it was just those two
10 guys? Or is it a lie now that it was three of you in the car
11 driving around?

12 A. It was never a lie. They were -- both of them were in the
13 car.

14 Q. Oh, okay. So you've heard of lie by omission; right?

15 A. By omission?

16 Q. Yes. Have you heard of that?

17 A. No.

18 Q. Okay. You were trying to let Agent Hood believe that you
19 weren't doing anything wrong; right?

20 A. No. I was trying to get -- get the car pulled over.

21 Q. Okay. And if the car were pulled over under your current
22 version of events, you would have been in it; right?

23 A. Yes.

24 Q. And you would have then been an accessory to the murder
25 that happened; right?

~~W. BANKS - CROSS~~

1 **A.** No. I would have been in it, and then they would have
2 found the gun and the murder would have never happened.

3 **Q.** Okay. And you would have been on your way to retaliate
4 against Mookie; right?

5 **A.** No. I'd have been on my way in the house to just try to
6 take it all in and -- and just unwind.

7 **Q.** Sir, if you were in the car and the car were stopped after
8 Mr. Hornes or the gentleman you didn't know was killed, you
9 knew that they would think you were part of the murder; right?

10 **A.** Yes.

11 **Q.** Okay. Just like you wanted to hide the fact that you were
12 part of the Samartine Hill shooting; right?

13 **A.** No. I -- but I text before -- before anything even
14 happened. I was trying to get the car pulled over.

15 **Q.** Do you agree with me that in the same way that you hid
16 your involvement in the Samartine Hill case, you also were
17 telling Agent Hood that two other people, not me, were in the
18 car to retaliate?

19 **A.** No; because I said that I was never there with the
20 Samartine situation, and I didn't put myself in the car. But
21 all the other facts are true.

22 **Q.** And just like when you lied about some random person
23 shooting at you to injure your arm, here you tell
24 Agent Bradley: Two other people and not myself are in the car
25 going to retaliate. Do you remember that -- or do you agree

~~W. BANKS - CROSS~~

1 with that? Excuse me.

2 **A.** No. I -- I remember that. And I lied then, and I'm not
3 lying now.

4 **Q.** So you would say that your text to the agent were lies
5 back then in April of 2016?

6 **A.** No, they weren't lies. They were in the car ridin'
7 around. I was in the car as well, but I didn't tell 'em.

8 **Q.** And then after that killing happened, when the gentleman
9 is killed, Agent Hood asked you to find out about it; right?

10 **A.** He did.

11 **Q.** Okay. And you didn't say, Oh, by the way, I was in the
12 car too; right?

13 **A.** No.

14 **Q.** Okay. You didn't tell him at any time in April what
15 happened, did you?

16 **A.** No.

17 **MS. WHALEN:** Court's indulgence one moment.

18 **BY MS. WHALEN:**

19 **Q.** You performed in the rap music "Straight 8 Mob," I believe
20 it's called. Do you remember that production?

21 **A.** Str8 Mobbin'.

22 **Q.** Str8 Mobbin'. Okay.

23 And that's sort of spelled like S-T-R-8 and then M-O-B; is
24 that correct?

25 **A.** M-O-B-B-I-N, yes.

~~W. BANKS - CROSS~~

1 Q. Okay. And you -- you're actually kind of the main
2 performer in the beginning of that production; right?

3 A. I started it off.

4 Q. Okay. And in starting it off, you recall you were saying
5 part of your lyrics, "I've got my 40 fully loaded, and it's on
6 me. It ain't right next to me."

7 Do you remember those lyrics?

8 A. Yes.

9 Q. Now, you have indicated to us that you are really hopeful
10 that Judge Blake shows you mercy and leniency; right?

11 A. Yes.

12 Q. All right. Your plea agreement with the
13 federal government is to the RICO conspiracy; correct?

14 A. Yes.

15 Q. And within that conspiracy, you admit attempted murders;
16 right?

17 A. Yes.

18 Q. All right. And you were not required to admit that during
19 the course of the conspiracy, other murders occurred; right?

20 A. You say I was not required to?

21 Q. That's right.

22 A. I was required to be honest about everything, air
23 everything out.

24 Q. The question now is not your honesty, sir.

25 The question is: In the terms of your plea, did you have

~~W. BANKS - CROSS~~

1 to say in the course -- "say," by that I mean acknowledge or
2 admit in a statement of facts -- that other murders occurred
3 while you were part of MMP?

4 **A.** Yes.

5 **Q.** Okay. And your terms of your plea were such that if you
6 cooperate, as you're doing, you can go from what is the maximum
7 penalty of life down, down, down, down, down; right?

8 **A.** I don't know about down, down, down. I just know that
9 it's in the hands of the judge.

10 **Q.** Okay.

11 **A.** That's what I was always told. I was never told that it's
12 going to go all the way down to this or that. It was just, you
13 know: You assist us. You be honest about everything, and we
14 leave it in the hands of the judge and we go from there.

15 **Q.** All right. And just as you were in the state system and
16 it was in the hands of, I guess, the prosecutor to recommend to
17 the judge that you get time served, your plea agreement in this
18 case allows for you to get time served; right?

19 **A.** Yes, I would assume so.

20 **Q.** And you sure would hope that you could get time served; in
21 other words, get out of jail sooner rather than later; right?

22 **A.** I don't see that happening.

23 **Q.** You sure hope -- you hope that it does; right?

24 **A.** I know it won't.

25 **Q.** And you believe, from talking -- well, strike that.

~~W. BANKS - CROSS~~

1 You also believe that you will not get a life sentence;
2 right?

3 **A.** I don't know what I'll get. I just know that I put the
4 best step forward to airing out all my dirty laundry and being
5 honest about it. And like I said before, I've lied in the
6 past, but I'm not lying now.

7 **Q.** And you hope that you're not going to get a lot of jail
8 time for this cooperation with the federal government; right?

9 **A.** I mean, nobody want a lot of jail time. But, like I said,
10 it's in the hands of the judge.

11 **Q.** 'Cause you don't want to go back to jail where you spent
12 quite a bit of your life; right?

13 **A.** But I've also broke the law. So however it comes down,
14 it -- it comes down. It's in the hands of the judge.

15 **Q.** Well, one thing that was in your hands was to cut a deal
16 and cooperate; right?

17 **A.** Yes.

18 **Q.** And you did that to help yourself; right?

19 **A.** I did.

20 **MS. WHALEN:** Thank you, sir.

21 That's all I have, Your Honor.

22 **THE COURT:** All right. Thank you, Ms. Whalen.

23 Mr. Sardelli.

24 **MR. SARDELLI:** Thank you, Your Honor.

~~W. BANKS - CROSS~~

CROSS-EXAMINATION

BY MR. SARDELLI:

Q. Good afternoon.

A. Good afternoon.

Q. Just so we're clear, your name is William Banks; right?

A. Yes.

Q. A/k/a Trouble?

A. Yes.

Q. No relation to my client, Randy Banks?

A. No.

Q. Not blood, not family; right?

A. No.

Q. Now, you've spent a lot of time talking about your understanding of what's going to happen after the day of your sentencing; but you're also aware that the prosecution in this case will also make recommendations to the Court, who makes the ultimate decision on what should happen to you; right?

A. To my understanding, there will be no recommendation made.

Q. No recommendation made. So there's not going to be what's called a 5K or a 3553? You've never heard those terms before?

A. I've heard the terms, but that's to their discretion, you know.

Q. Okay.

A. That's nothing that's promised to me or it was told I was going to be given.

~~W. BANKS - CROSS~~

1 Q. I'm not talking about promises.

2 Is it your understanding -- first of all, you know what 5K
3 and 3553 is, don't you?

4 A. Yes.

5 Q. Those are motions filed by the Government --

6 MS. HOFFMAN: Objection to counsel testifying.

7 THE COURT: I'm sorry?

8 MS. HOFFMAN: Objection to counsel testifying.

9 THE COURT: He can ask -- overruled.

10 BY MR. SARDELLI:

11 Q. You know what a 5K and 3553 is; correct?

12 A. Yes.

13 Q. You understand that the Government makes a motion through
14 the Court and makes a recommendation, but it's the Court's
15 ultimate decision about what happens; right?

16 A. Yes.

17 Q. But the Government does make a recommendation.

18 A. I mean, that is -- it could happen in other cases, but I
19 wasn't told that that would happen here.

20 Q. Really? You have a very good lawyer. He's in the stands
21 there. He never went over that with you?

22 THE COURT: Can I see counsel at the bench, please.

23 (Bench conference on the record:

24 THE COURT: So the problem is there's a difference
25 between making a motion under 5K1.1 and 3553(e), if that's even

1 applicable here, to get below a minimum and a specific
2 recommendation of a sentence. That's getting confused.

3 **MR. SARDELLI:** Got you. And I was confused during the
4 direct because they made it sound during the direct that the
5 Government had nothing to do in this process and simply it's up
6 to the judge. There wasn't any talk about a 5K at the --
7 usually there's a substantial motion --

8 **THE COURT:** I think it's fairly been -- actually been
9 gone over pretty --

10 **MR. SARDELLI:** I'll move on, Your Honor.

11 **THE COURT:** It's pretty clear.

12 **MR. SARDELLI:** I'll move on.

13 **THE COURT:** Okay. Thanks.)

14 (Bench conference concluded.)

15 **BY MR. SARDELLI:**

16 **Q.** You also testified that you were a drug user and abuser;
17 correct?

18 **A.** Yes, I was a drug user.

19 **Q.** And if my memory is correct, you said heroin was your
20 drug; correct?

21 **A.** Heroin, Percocets, Molly.

22 **Q.** Okay. Of those drugs, was heroin probably your primary
23 drug, or what was your primary drug?

24 **A.** Just opioids in general.

25 **Q.** Okay. For example, when you met with the ATF on one

~~W. BANKS - CROSS~~

- 1 occasion, you went to their offices with heroin on you; right?
- 2 A. Yes.
- 3 Q. And you actually asked the agents to actually get a hit;
- 4 right?
- 5 A. Yes.
- 6 Q. Okay. So you admit that you had a problem with heroin;
- 7 correct?
- 8 A. Yes.
- 9 Q. About how long or how many years did you have a problem
- 10 with heroin?
- 11 A. Well, I got shot 2013. I came home. I was on Percocets.
- 12 It basically was from there with the opioids. And heroin more
- 13 or less was like the end of 2015, beginning of 2016.
- 14 Q. Were you shooting? Were you --
- 15 A. No.
- 16 Q. -- snorting? Were you smoking it? What were you doing?
- 17 A. I was snorting.
- 18 Q. Now, if my memory is correct on your direct examination,
- 19 you said or you claim my client was a source of cocaine;
- 20 correct?
- 21 A. He was.
- 22 Q. Okay. And you did not mention about whether or not you
- 23 ever bought from him personally; is that correct?
- 24 A. Yes.
- 25 Q. Okay. So you never bought from him personally?

~~W. BANKS - CROSS~~

1 **A.** No, I've never bought any drugs from Dirt.

2 **Q.** Did you ever attempt to drive -- buy drugs from him?

3 **A.** No.

4 **Q.** According to my client, October of 2015, he says you tried
5 to buy heroin from him or cocaine from him, not heroin,
6 cocaine. And he told you he wasn't selling it --

7 **MS. HOFFMAN:** Objection. Counsel is testifying.

8 **THE COURT:** What was the first part of that?

9 **MR. SARDELLI:** Based on what my client's telling me,
10 Your Honor.

11 **THE COURT:** No. You can rephrase the question. This
12 is not going to be something that's hearsay.

13 **MR. SARDELLI:** Okay.

14 **MS. HOFFMAN:** Motion to strike.

15 **MR. SARDELLI:** I'll move on, Your Honor.

16 **BY MR. SARDELLI:**

17 **Q.** You also mentioned that you or part of your job was to
18 collect dues; am I correct?

19 **A.** Yes.

20 **Q.** Okay. And how long were you having -- or how long did you
21 have the job to collect dues?

22 **A.** That was -- that was something temporary. That was as
23 soon as Gutta got locked up and he was telling me and Gambino
24 to collect the dues and give it to Tiffany.

25 So whenever he was locked up in Towson, probably maybe

~~W. BANKS - CROSS~~

1 like two months of collecting.

2 Q. Okay. So you would collect the dues, and you would give
3 them to Tiffany?

4 A. Yes.

5 Q. Okay.

6 A. And sometimes I would collect them, and I would give them
7 to Gambino and he'd give it to Tiffany.

8 Q. Now, you said a lot about cocaine, but you weren't really
9 telling the difference between crack cocaine and
10 powder cocaine. When you're talking about cocaine in your
11 direct examination, are we talking generally about
12 powder cocaine or crack cocaine?

13 A. Talking about crack cocaine.

14 Q. Okay. Did you ever deal in powder cocaine?

15 A. No.

16 Q. Now, I'm going to reflect you back to a previous time you
17 talked to law enforcement.

18 Back in January of 2016, did you meet with Baltimore
19 Police Department and discuss my client with them?

20 A. I don't recall, but I probably did if you have a statement
21 that's -- or notes that said I did.

22 Q. Okay. And your testimony here today is that my --
23 Randy Banks is involved in cocaine; correct?

24 A. Yes.

25 Q. Not heroin?

~~W. BANKS - CROSS~~

1 **A.** I don't -- I don't ever remember seeing him selling
2 heroin.

3 **Q.** Okay. Do you realize back in January 14th of 2016, you
4 told Baltimore Police Department that my client was dealing in
5 heroin?

6 **A.** I don't recall telling them that.

7 **MR. SARDELLI:** Your Honor, may I approach?

8 **THE COURT:** Do you want to come up to the bench.

9 (Bench conference on the record:

10 **MR. SARDELLI:** Your Honor, it has to deal with this
11 document here.

12 **THE COURT:** Is this something that the witness --

13 **MR. SARDELLI:** No, Your Honor.

14 **THE COURT:** -- reviewed or signed?

15 **MR. SARDELLI:** No, Your Honor.

16 **THE COURT:** Okay. Then I think what's appropriate is
17 what Ms. Whalen basically did. You can establish that -- what
18 he's saying now and see if it's different from what he said
19 then. And if it becomes important, you call the author of
20 those notes and --

21 **MR. SARDELLI:** Thank you, Your Honor.

22 **THE COURT:** -- bring it out that way. Okay?)

23 (Bench conference concluded.)

24 **BY MR. SARDELLI:**

25 **Q.** So going back to January 14th, 2016, you don't remember a

~~W. BANKS - CROSS~~

1 Captain Kevin Jones, Baltimore Police Department?

2 **A.** No, I don't remember that name.

3 **Q.** Detective Bradley Hood?

4 **A.** I remember Hood.

5 **Q.** Okay. And you don't remember specifically meeting with
6 him and saying that my client was involved in heroin?

7 **MS. HOFFMAN:** Objection. Asked and answered.

8 **THE COURT:** Overruled.

9 **THE WITNESS:** No, I don't remember ever saying that he
10 sold heroin, 'cause he doesn't that I knew of. I've never seen
11 it. I've seen coke.

12 **BY MR. SARDELLI:**

13 **Q.** So if you had said that back then to the Baltimore Police
14 Department officers, that would be a lie?

15 **A.** Yeah, if I said it, but I didn't. It would be a lie.

16 **Q.** Were you using heroin at that time?

17 **A.** I think I was using Percocets, but not, like, excessively.

18 **Q.** Nothing to affect your memory; correct?

19 **A.** No, no, no.

20 Do you have a -- a recorded statement of me saying that?

21 **Q.** I have a report is what I have, sir, written by the
22 officers. It's already been talked about. Do you remember --

23 **THE COURT:** Let's move on, please.

24 **MS. HOFFMAN:** Objection. Objection, Your Honor.

25 **THE COURT:** This is not --

1 **BY MR. SARDELLI:**

2 **Q.** Do you remember on your direct examination saying,
3 quote/unquote, you would do anything necessary to make a
4 conviction, unquote?

5 **A.** Anything necessary to make a conviction?

6 **Q.** Yeah. Just on your direct examination here recently, do
7 you remember saying --

8 **A.** I thought I said anything necessary to make an arrest on
9 the streets.

10 **Q.** Okay. So your cooperation, your understanding is that you
11 would do anything necessary to make an arrest on the street is
12 what you're saying?

13 **A.** Yes; as a CI, yes.

14 **Q.** I'm showing you what's been marked previously as MISC-9.
15 Do you remember seeing this, sir? Can you see that on
16 your screen up there?

17 **A.** Yes.

18 **Q.** Okay. Do you remember identifying that that was my
19 client? And who's the other individual?

20 **A.** Nick.

21 **Q.** Okay. And do you remember identifying or claiming that
22 you knew where the house or the location was as well?

23 **A.** Yes.

24 **Q.** You didn't take that photograph, did you?

25 **A.** No, but I've been in the house several times.

~~W. BANKS - CROSS~~

1 Q. That's not what I asked you.

2 Did you take the photograph?

3 A. No, I didn't take the photograph.

4 Q. Did -- were you physically present when this happened?

5 A. No.

6 Q. Okay. So you're basing this on hearsay about what you
7 heard and --

8 MS. HOFFMAN: Objection.

9 BY MR. SARDELLI:

10 Q. -- what you know?

11 THE COURT: Sustained.

12 BY MR. SARDELLI:

13 Q. Let's move back to the night of the shooting back in 2012
14 at the Mirage nightclub.

15 You remember that; correct?

16 A. Yes.

17 Q. Okay. And you remember seeing the video; correct?

18 A. Yes.

19 Q. Okay. Previous that date, have you had any training with
20 firearms? Were you in the military? Were you in the police or
21 anything like that?

22 A. No.

23 Q. Okay. And when you first shot, where were you targeting
24 when you first shot?

25 A. His head.

1 Q. His head. Okay.

2 Do you remember how many shots you actually fired?

3 A. No.

4 Q. Okay. And when you first shot, how far away were you?

5 A. Maybe about 2 feet.

6 Q. Okay. About 2 feet.

7 And you said that he dropped almost immediately; correct?

8 A. Yes.

9 Q. Okay. And then did you approach him or walk by him at
10 that point?

11 A. I approached him.

12 Q. Okay. And did you -- are you familiar with the term
13 "double tap"?

14 A. As far as a hairpin trigger?

15 Q. No. As a term in firearms use.

16 A. No.

17 Q. You don't know what double tap is?

18 A. No.

19 Q. Okay. You explain to me what you did when you walked by
20 him. Did you not fire or did you fire when you were walking by
21 him again?

22 A. I just kept squeezing the trigger. It was a lemon squeeze
23 .45. So if I -- if I think that -- if I understand correctly,
24 if you trying to say I quickly tap or double tap, I mean, it
25 was a lemon squeeze, so it wasn't necessary. It was easy to,

1 like --

2 Q. When you say "a lemon squeeze," you fired and then he went
3 down; correct?

4 A. When I say "lemon squeeze," I mean it was a actual trigger
5 on the back of the actual handgun. So it was a special type of
6 firearm.

7 Q. That's not what I'm asking you, sir.
8 You fired and he went down; correct?

9 A. He did.

10 Q. All right. Did you stop firing?

11 A. No. I walked on him and then started firing again.

12 Q. Okay. Was the purpose of that to make sure that he was
13 dead or to ensure that he stayed down?

14 A. Yeah, it was to make sure that he was dead.

15 Q. Okay.

16 MR. SARDELLI: Your Honor, one moment, please.

17 (Counsel conferred.)

18 MR. SARDELLI: Your Honor, may we approach?

19 THE COURT: Sure.

20 (Bench conference on the record:

21 MR. SARDELLI: I just have it on my computer,
22 Your Honor, so I'll show you.

23 THE COURT: Okay.

24 MR. SARDELLI: It's under John Smith, but the
25 Government's confirmed it's him. It's a BOP intake evaluation,

1 and it appears to me that when it gets to this part about
2 substance abuse, that he -- I'm trying to talk so everyone can
3 hear me, please -- appears he wasn't honest with them about his
4 substance abuse history in 2018.

5 **MS. HOFFMAN:** This is not his words. This is -- this
6 is the . . .

7 **MR. SARDELLI:** My understanding is that's the intake
8 form, and they went over it with him. And he obviously, either
9 by omission or by a lie, did not tell him about his drug
10 history. And he claims that he hasn't lied since 2016, I
11 believe. And this is evidence he lied in 2018.

12 **THE COURT:** I thought --

13 **MS. HOFFMAN:** These are clearly not his own words. I
14 mean, I think Mr. Sardelli is certainly free to ask him whether
15 he recalls some sort of intake screening. But I don't think
16 that there's -- it certainly doesn't come in as evidence.

17 **MR. SARDELLI:** I'm not going to put it in evidence,
18 Your Honor. I'm not even going to show it to him.

19 **THE COURT:** I mean, I have another problem. This
20 would appear to me to be --

21 **MS. HOFFMAN:** Yeah. It's confidential.

22 **THE COURT:** Right. Extremely.

23 And in relation to his current status. And I don't
24 even know that this is his to say --

25 **MS. HOFFMAN:** Right. I think that --

~~W. BANKS - CROSS~~

1 **MR. SARDELLI:** Your Honor, I think I'm allowed to ask
2 him if he's lied after 2016. And if he says "no," I think it's
3 fair to cross him on that.

4 **THE COURT:** I think it's cumulative, raises more
5 issues than it helps with. It has been clear that he lied.
6 And the kind of lies that we're talking about, I don't even
7 know if that is a lie. And it's a little different situation
8 involving a very sensitive internal record of someone of his
9 status is --

10 **MR. SARDELLI:** But if I may, though, Your Honor, he
11 claims he hasn't lied since 2016, and this puts the lie in 2018
12 and proves lies.

13 **THE COURT:** He's been asked about lying to the federal
14 agents in connection with this case. To take this to some
15 interview -- anyway, no. We are getting very far afield, and
16 I'm going to sustain the objection to that question.

17 **MR. SARDELLI:** Okay. Thank you.)

18 (Bench conference concluded.)

19 **BY MR. SARDELLI:**

20 **Q.** Sir, you had mentioned the murder of Mookie before;
21 correct?

22 **A.** Yes.

23 **Q.** Okay. Are you aware if Mookie is related to Randy Banks
24 at all?

25 **A.** No.

~~W. BANKS - CROSS~~

1 Q. Okay. So as far as you know, he's not related to
2 Randy Banks at all?

3 A. I don't know.

4 Q. You don't know. Okay.

5 Going back to the shooting itself, what kind of firearm
6 did you actually use in the shooting?

7 A. At the Mirage shooting?

8 Q. Yes; the one we talked about before.

9 A. A .45.

10 Q. Okay. Where did you receive that firearm from?

11 A. From Gutta.

12 Q. And how long did you have that firearm?

13 A. Well, I mean, they just brought it out that night. Gutta
14 actually had it on him. But when we went in the club, put it
15 in the glove compartment, so . . .

16 Q. After that shooting, you talked about you went to a
17 location; am I correct?

18 A. Yes.

19 Q. Okay. And you said that as far as you remember, my client
20 was not that at that location after the shooting; am I correct?

21 A. No. I don't -- I don't recall seeing him there, no.

22 Q. Okay. Are you close to Randy Banks?

23 A. We cool.

24 Q. You're cool. Okay.

25 And so how often would you see him when you were on the

1 street?

2 **A.** I mean, during the day, he kind of -- he would stay in the
3 house, to my knowledge, or he, you know, doing whatever he
4 doing. But I normally see him a lot at night when he out on
5 the strip and I'll just pull up. I know how to find him all
6 the time.

7 **Q.** Okay. Would you see once him a day? twice a day? three
8 times a day?

9 **A.** No, it wasn't that much. Just whenever I needed to holler
10 at him --

11 **Q.** Okay.

12 **A.** -- or speak with him.

13 **Q.** Okay. And over what time or period are we talking about
14 here that you were having interactions with him?

15 **A.** I met him in 2012.

16 **Q.** Okay. And up to we're talking until you were taken in
17 custody in 2016?

18 **A.** Yes.

19 **Q.** Okay. And over that entire time from -- we're talking
20 about over about a four-year period; am I correct?

21 **A.** Yes. But 2016, I didn't see him a lot 'cause I wasn't
22 going around with the guys like that. But, I mean, he was
23 around. He come -- came to the show when we perform --

24 **Q.** Okay.

25 **A.** -- you know.

~~W. BANKS - CROSS~~

1 Q. Which show is this?

2 A. He came to both shows.

3 Q. Okay. You say "both shows." Walk through the two shows
4 for me.

5 A. The first show that we did in Paparazzi in July, and then
6 we did another one after the indictment came out and people
7 were locked up in Towson.

8 Q. Okay. Is this about Team Cash Gutter Music Group --

9 A. Yes.

10 Q. -- that you talked about before?

11 A. Yes.

12 Q. Have you ever heard of a company called M Dot
13 Entertainment as well?

14 A. M Dot Entertainment? No.

15 Q. And over those three to four years, you said that you
16 never personally bought any type of drugs from my client;
17 correct?

18 A. No.

19 Q. Okay. How many times do you think you saw him?

20 A. I mean, a lot. I can't say exactly, but a lot, you know,
21 we weren't close to where we were going out together every
22 weekend for drinks or nothin' like that. You know what I'm
23 saying? He was one of the big homies, so I'd pull up on him
24 every now and then on his block.

25 Q. And over the years -- like I said, you never bought drugs

~~W. BANKS - CROSS~~

1 from him; correct?

2 **A.** No.

3 **Q.** And you did -- were involved in cocaine; correct?

4 **A.** Yeah. For a point in time, I was selling crack cocaine.

5 **Q.** Okay. Over that time frame, how much cocaine did you
6 sell?

7 **A.** I have no clue.

8 **Q.** Okay. Well, for example, I think you said on a nice day
9 in an area --

10 **A.** About 60 grams.

11 **Q.** What did you say, sir?

12 **A.** About 60 grams.

13 **Q.** So over the years -- and we're talking 60 grams over a
14 period of years -- you never bought any of that cocaine from
15 Randy Banks?

16 **A.** No. I always dealt with Gutta.

17 **Q.** Okay. I'm talking about Randy Banks specifically, nothing
18 from Randy Banks?

19 **A.** No.

20 **Q.** Okay. No heroin from Randy Banks?

21 **MS. HOFFMAN:** Objection; asked and answered.

22 **THE COURT:** Sustained.

23 **BY MR. SARDELLI:**

24 **Q.** Now, you talked about hustling; correct?

25 **A.** Yes.

~~W. BANKS - CROSS~~

1 Q. Okay. And hustling is when you're on the street trying to
2 make money or do things to make money; correct?

3 A. Yes.

4 Q. Okay. And I think you talked about on a nice day in some
5 of these areas, there would be approximately 50 people or
6 some -- some number around that hustling; am I correct?

7 A. Yes.

8 Q. By "hustling," we mean selling drugs?

9 A. Yes.

10 Q. Okay. By hustling, it means other types of illegal
11 activity, potentially; right?

12 A. Yes.

13 Q. Okay. And that, again, was over a period of years; am I
14 correct?

15 A. Yes.

16 Q. Okay. And that hustling, all those 50 people hustling,
17 those people aren't all from the same groups or organizations;
18 am I correct?

19 A. I mean, we're all 5200.

20 Q. Everybody, all 50 people were 5200s?

21 A. Everybody was 5200. They might not all be MMP, but
22 everybody from 5200, everybody rep 5200. Everybody peace each
23 other with the handshake 5200.

24 Q. Okay. You said Randy Banks was not 5200 before. You
25 never mentioned Randy Banks being part of 5200 before.

~~W. BANKS - CROSS~~

1 A. Right. Well, he's from Gwynn Oak. I'm talking about
2 Windsor Mill and Forest Park. Where were you talking about?

3 Q. I'm talking about the place you're talking about where
4 there's 50 people. It's a nice day. You're out --

5 A. That's 5200.

6 Q. Okay.

7 A. Now, Liberty Heights and Gwynn Oak, I don't -- that's his
8 neighborhood. I don't go down there like that.

9 Q. You -- I thought you said you were seeing him almost on a
10 daily basis?

11 A. Yeah. At one point in time I was, but I see him mainly at
12 night when they outside on they strip hustling. But I wasn't
13 hustling in his neighborhood.

14 Q. But you would go down to his neighborhood; correct?

15 A. Yeah, just to -- just to holler at the homies down there.

16 Q. Okay. So you weren't just staying in the 5200
17 neighborhood; you were going to other areas as well; correct?

18 A. Yeah.

19 Q. Okay. Including areas Randy Banks was at; correct?

20 A. Yeah. That was a mob turf.

21 Q. Okay. So both areas are mob turfs, according to you?

22 A. Yes.

23 Q. Now, you weren't actually charged with a mandatory minimum
24 type of crime in this case; correct? You pled out to RICO?

25 A. Yes.

~~W. BANKS - CROSS~~

1 Q. That doesn't have a mandatory minimum term; correct?

2 A. Not that I know of.

3 Q. So as has been discussed before, you can get all the way
4 down to time served in this case; is that correct?

5 A. Yes.

6 MR. SARDELLI: All right. No further questions,
7 Your Honor.

8 THE COURT: All right. Mr. Trainor.

9 CROSS-EXAMINATION

10 BY MR. TRAINOR:

11 Q. Good afternoon, Mr. Banks. My name is Harry Trainor.

12 And, again, we've never talked before; correct?

13 A. That's correct.

14 Q. In fact, you haven't really talked to any of the attorneys
15 on this side of the room (indicating)?

16 A. No.

17 Q. All right. So this is our first chance to discuss this
18 with you.

19 5200 is really a neighborhood thing, isn't it?

20 A. Yes.

21 Q. All right. So when you talk about everybody's from 5200,
22 that's the identity of the neighborhood --

23 A. Yes.

24 Q. -- am I right?

25 And that area down at -- what is it, Gwynn Oak and

~~W. BANKS - CROSS~~

1 Clifton, is it? Or Gwynn Oak and what?

2 A. Liberty Heights and Gwynn Oak.

3 Q. And Liberty Heights.

4 A. Yeah.

5 Q. That's not 5200, is it?

6 A. No. Liberty Heights and Gwynn Oak.

7 Q. All right. So that's the -- I mean, there's a difference
8 between being from the neighborhood, 5200, right, and being in
9 the Bloods.

10 A. No; because our -- our headquarters is at -- is 5200.

11 Q. In the neighborhood?

12 A. Yes, it's in the neighborhood.

13 Q. All right.

14 A. We control that neighborhood and a few others, but that's
15 our headquarters.

16 Q. You know something about gangs and being in the Bloods;
17 correct?

18 A. Yes.

19 Q. You voluntarily joined the Insane Red Devil Treetop Pirus
20 in 2005; correct?

21 A. Yes.

22 Q. That was a decision you made. Nobody forced you to do
23 that?

24 A. No.

25 Q. And then you went to prison for robberies and burglaries.

~~W. BANKS - CROSS~~

1 And you switched your allegiance, still a Blood, to another
2 group that was active in ECI, the Eastern Correctional
3 Institution; correct?

4 A. Active everywhere in the Maryland state system.

5 Q. All right. So -- but still a Blood all the way; right?

6 A. Yes.

7 Q. All right. And you maintained that Bloods affiliation
8 throughout until your arrest; correct?

9 A. Yes.

10 Q. All right. And you know -- you know something about it, I
11 mean, you took the oath, correct?

12 A. Yes.

13 Q. You know about the Omertà code?

14 A. Yes.

15 Q. Right. And you have -- you put in work?

16 A. Yes.

17 Q. When you -- for example, you were -- you were jumped into
18 the Insane Red Devils; right?

19 A. Yes.

20 Q. But when you got to ECI, you just put in some work for the
21 new affiliation; correct?

22 A. I mean, I was already puttin' work in anyway.

23 Q. Oh, you were --

24 A. -- because I was a gang member.

25 Q. Yeah.

~~W. BANKS - CROSS~~

1 **A.** But I didn't have to do anything because our whole lineup
2 switched over to that.

3 **Q.** And you didn't stab anybody at ECI?

4 **A.** Oh, yes.

5 **Q.** You did?

6 **A.** Yeah.

7 **Q.** All right. But you were able to avoid getting caught
8 there; right?

9 **A.** Yes.

10 **Q.** Even though they have cameras all around?

11 **A.** They're not all around, but they got a few cameras.

12 **Q.** You've got to be careful where you stab somebody so you're
13 not caught on camera; right?

14 **A.** Yes.

15 **Q.** All right. And then you stayed in prison until
16 September 14th of 2012.

17 **A.** Yes.

18 **Q.** And that's the day you say you came home, which means you
19 came home from prison --

20 **A.** Yes.

21 **Q.** -- right?

22 September 14th, 2012, within a month, you were standing
23 over Samartine Hill doing the lemon squeeze (indicating) with
24 your pistol; right?

25 **A.** Yes.

~~W. BANKS - CROSS~~

1 Q. And by "lemon squeeze" -- I'm not a gun person, so explain
2 that to me. A lemon squeeze is you just squeeze it and a lot
3 of rounds go off?

4 A. Yes.

5 Q. So when you squeeze it over a body, you're just --
6 everything in the gun empties (indicating); right?

7 A. Not everything. It comes out in spurts.

8 Q. Spurts. So you did a couple of squeezes into this guy as
9 he lay there on the sidewalk?

10 A. Yes.

11 Q. And you intended to kill him and you thought you did?

12 A. Yes.

13 Q. And for that, you earned a tattoo; is that it?

14 A. I didn't get it.

15 Q. You decided not to, but you're in the right to put a
16 lightning bolt on your face?

17 A. Or anywhere.

18 Q. Anywhere.

19 And the big M, but you have the M, don't you?

20 A. I have "mafia." I have "Murdaland." I have "mobbin'." I
21 have "MMP."

22 Q. But you decided against the lightning bolt --

23 A. Yes.

24 Q. -- right?

25 All right. And you know that gangs -- as opposed to

~~W. BANKS - CROSS~~

1 neighborhoods, gangs follow rules; right?

2 A. Yes.

3 Q. They're written down, memorized; right?

4 A. Yes.

5 Q. And when gangs have meetings, those meetings are for gang
6 members and not outsiders; right?

7 A. Well, for the most part. But our neighborhood is 5200 MMP
8 together; so we -- if something get called like that, it's --
9 we all in it together.

10 Q. So 5200 is really everybody in the neighborhood who has
11 ever touched drugs that's not a member of MMP?

12 A. I mean, not necessarily. You got MMP members that was
13 5200, too. That's just your neighborhood. You know, you'll
14 never not be from there because that's where you -- you came
15 up, but you -- you a Blood.

16 Q. Right.

17 A. You know, so you a 5200 boy, you know, but you -- you also
18 MMP.

19 Q. But not all 5200 boys are in MMP?

20 A. No; but they function with us like they are, so . . .

21 Q. But they're not?

22 A. No.

23 Q. They've never taken that oath you took. They've never had
24 to put in the work?

25 A. We put work in together, but they never taken an oath.

~~W. BANKS - CROSS~~

1 Q. Let me ask you about what happened March 10th of 2016.

2 That was the time that -- at that time you were working
3 for the ATF; right?

4 A. Yes.

5 Q. As a confidential informant and double-dealing; right?

6 A. Yes.

7 Q. You were gettin' paid by the ATF and promising them you
8 were not out committing crimes; correct?

9 A. Yes.

10 Q. But you were out -- you were also doing your side business
11 of selling Molly, selling other drugs as well; correct?

12 A. Yes.

13 Q. Making a little money off of that yourself; right?

14 A. Yes.

15 Q. And you were strapped most of the time?

16 A. No, not -- not all of the time. The only time I would
17 probably have a gun on me is when I had to be around gang
18 members, just in case it's a trap.

19 Q. But nobody makes you carry a gun, do they?

20 A. No.

21 Q. All right. In fact, when you were arrested in August of
22 2016, you had three guns, your drugs, and you were still double
23 dealing then?

24 A. Yes.

25 Q. But going back to March 10th, 2016, during that period,

~~W. BANKS - CROSS~~

1 you were definitely double dealing; right?

2 A. Yes.

3 Q. That was during what you might describe as one of your
4 untrustworthy periods?

5 A. Yes.

6 Q. One of your dishonest periods?

7 A. Yes.

8 Q. All right. And on that date, your job for ATF was to set
9 up one of your friends; correct?

10 A. On what date?

11 Q. March the 10th of 2016.

12 A. Oh, yes, I guess. Was that a controlled buy day?

13 Q. That was the date that -- you've made that --

14 A. Controlled buy?

15 Q. Controlled buy, yes.

16 A. Then, yes, that was -- that was the day.

17 Q. And that was a double-dealing time in your life?

18 A. It was.

19 Q. And so that particular day, you were to set up
20 Mr. Lockley; correct?

21 A. Yes.

22 Q. All right. He was a friend of yours back then, wasn't he?

23 A. Yeah, we were cool.

24 Q. All right. So you contacted him to meet up, and you were
25 paired with a woman; correct?

~~W. BANKS - CROSS~~

1 **A.** Yes.

2 **Q.** And the two of you were working together as sort of a
3 team?

4 **A.** Yes.

5 **Q.** And you went to the -- you met with the ATF that day; am I
6 right?

7 **A.** Yes.

8 **Q.** And they gave you a car to drive?

9 **A.** Yes.

10 **Q.** And that car was equipped with a camera; correct?

11 **A.** Yes.

12 **Q.** And you were given or your friend or associate, the one
13 you were in the car with, the female, was given some money?

14 **A.** Yes.

15 **Q.** And you went off to meet Mr. Lockley; correct?

16 **A.** Yes.

17 **Q.** We saw the video.

18 That meeting was at Clifton and Elsinore; right?

19 **A.** Yes.

20 **Q.** That's not in the BP gas station, is it?

21 **A.** No; but around this time, this is around the time people
22 were gettin' locked up. And it was hot up there, so they were
23 hanging down Lyndhurst and around that area.

24 **Q.** But this wasn't Lyndhurst. This was Clifton and Elsinore;
25 right?

~~W. BANKS - CROSS~~

1 **A.** Right. I met him -- I followed him around there. I met
2 him on Lyndhurst.

3 **Q.** But that's where you were.

4 **A.** Right.

5 **Q.** And that's where you met him.

6 And you pulled up and the camera is not focused on you or
7 what you were doing, is it?

8 **A.** No.

9 **Q.** All right. It kind of hits off of the female who was
10 seated to your right?

11 **A.** Yes.

12 **Q.** And it hits off Mr. Lockley at the window --

13 **A.** Yes.

14 **Q.** -- correct?

15 And when you pulled up, he's got his music playing and
16 he's rapping to you; correct?

17 **A.** Yes.

18 **Q.** A song that he recorded called "Dog Food"?

19 **A.** I don't know the name of the song. That was the first
20 time I heard it.

21 **Q.** Yeah. But he performed it at the window for you, because
22 that was one of your common bonds, this -- the music business?

23 **A.** Right.

24 **Q.** You both had music dreams or fantasies; right?

25 **A.** Yeah, dreams.

~~W. BANKS - CROSS~~

1 Q. All right. But that camera, it looks to me like whatever
2 happened on camera happened on the passenger side of the
3 vehicle; right?

4 A. Yes.

5 Q. And we can't see what you're doing at all during that
6 period; right?

7 A. Right.

8 Q. And it appeared that the female passed something to you.

9 A. Yeah; money.

10 Q. That was money?

11 A. Yes.

12 Q. But we can't see what you did with it.

13 A. I gave it to him.

14 Q. But we can't see that on film. We have to take your word
15 for it; right?

16 A. Yes.

17 Q. And you can't see any drugs passed into the car, can you,
18 on the video?

19 A. No, I don't think you could.

20 Q. Now, so other than what you tell us you did with the
21 money, we can't tell by looking at that video?

22 A. I guess so. But I gave him the money; he gave me the
23 drugs.

24 Q. All right.

25 A. Me and the female was searched before we even got in the

1 car, and I had to keep the drugs on my lap when I pulled back
2 up to the rendezvous point and handed it to the agent.

3 Q. All right. So how far was the rendezvous point from
4 Clifton and Elsinore?

5 A. It's a few miles. It was near Security Square Mall.

6 Q. And as far as you know, the ATF did not go with you and
7 conduct realtime surveillance while you were at Clifton and
8 Elsinore?

9 A. I didn't see any agents.

10 Q. All right.

11 A. They didn't tell me they were following me. If they were,
12 they were. I don't know.

13 Q. And when you drove two miles back to Elsinore -- or,
14 excuse me, back to where the agents started, you didn't give --
15 you had no money left; right?

16 A. No.

17 Q. Didn't give them money.

18 But you had something like -- something less than 14 grams
19 of cocaine that you turned over to 'em; right?

20 A. Okay.

21 Q. Is that an "okay" or is that a "yes"?

22 A. If that's what it says in the paperwork, then that's yes.

23 Q. What did --

24 A. I didn't weigh it, so I don't -- I don't know.

25 Q. But you gave 'em something --

~~W. BANKS - CROSS~~

1 **A.** I gave them everything that he gave me.

2 **Q.** All right. But we can't -- we could never see that on
3 video?

4 **A.** No.

5 **Q.** All right. And the money you handled that day you say was
6 \$600?

7 **A.** That I handled? To give to him?

8 **Q.** Well, the woman sitting next to you handed you some money.
9 How much was that?

10 **A.** I don't even remember --

11 **Q.** All right.

12 **A.** -- to be honest with you.

13 **Q.** All right. But this was during your double dealing,
14 deceptive period.

15 **A.** That was a time that I was selling drugs and gettin' high
16 and still giving information, yeah.

17 **Q.** And lying to people; right?

18 **A.** Yes; withholding information.

19 **Q.** Right.

20 **A.** I wasn't selling cocaine at the time, and I don't use
21 cocaine either.

22 **Q.** All right. But heroin and opiates was your drug of
23 choice; right?

24 **A.** Yes; and Molly.

25 **Q.** And Molly sometimes. Sure.

~~W. BANKS - CROSS~~

1 Let's talk about what happened on April 28th of 2016.

2 You were at home, do I understand that, when you got word
3 that Mookie had been shot?

4 **A.** Yes.

5 **Q.** All right. And how far is home from, say, Liberty and
6 Gwynn Oak?

7 **A.** You would have to jump on the highway, or you could take
8 back streets there, too. I lived in Owings Mills at the time,
9 so --

10 **Q.** All right. You lived in the Owings Mills area?

11 **A.** Yeah, so probably about 10, 15 minutes.

12 **Q.** All right. But it's not -- when word goes out that
13 somebody from the neighborhood has been shot, it's not uncommon
14 for crowds to gather around the scene where --

15 **A.** No.

16 **Q.** -- everything's going around.

17 In fact, it's what happens, isn't it?

18 **A.** Yes.

19 **Q.** And it's what happened that day?

20 **A.** Yes.

21 **Q.** And this shooting of Mookie occurred right there near the
22 4 G Liquor store; right?

23 **A.** Yes.

24 **Q.** And that's only about a block or so from Haddon Avenue;
25 right?

~~W. BANKS - CROSS~~

1 **A.** I don't know where Haddon is.

2 **Q.** Or Haddon Road. I'm not sure what -- you don't know where
3 it is?

4 **A.** Haddon? Harbor Park [sic]?

5 **Q.** Well, the Harbor Park [sic] apartments are down that way;
6 right?

7 **A.** You talking about where the other shooting took place;
8 right?

9 **Q.** Yeah.

10 **A.** Yeah, it's a little more than a block. I think it was
11 like a half a mile, maybe.

12 **Q.** You think it was that far, huh?

13 **A.** Yeah, maybe.

14 **Q.** But if we looked at a map, we could easily see the -- how
15 close the two scenes are to one another.

16 **A.** Okay.

17 **Q.** You agree?

18 **A.** Yes.

19 **Q.** All right. And on that day, April 28th of 2016, that was
20 during your double-dealing days, too, wasn't it?

21 **A.** Yes.

22 **Q.** You were being handled by an agent named Hood; correct?

23 **A.** Yes.

24 **Q.** And you and Agent Hood were texting back and forth in
25 realtime; right?

~~W. BANKS - CROSS~~

1 A. Yes.

2 Q. And --

3 A. Not -- not that night, no.

4 Q. Not that night?

5 A. No, not that I can recall. I was trying to get in contact
6 with him, but I think we -- we didn't speak until the next
7 morning.

8 Q. Well, what are these texts that we've been given in
9 discovery?

10 MS. HOFFMAN: Objection.

11 THE COURT: Do you want to come up to the bench.

12 BY MR. TRAINOR:

13 Q. You were texting back and forth with Agent Hood.

14 THE COURT: The "back and forth" is the problem. If
15 you want to come up to the bench, we can talk about it.

16 BY MR. TRAINOR:

17 Q. You were texting information to Agent Hood; correct?

18 A. I was.

19 Q. All right. And if there are texts on April 28th, 2016, in
20 the range of about 11 o'clock at night or that general range,
21 that would be from you to Agent Hood; right?

22 A. Yes, if I'm not mistaken, yes.

23 Q. All right. And your job for the ATF was to tell 'em what
24 you see, tell 'em what you know; right?

25 A. Yes.

~~W. BANKS - CROSS~~

1 Q. And you're saying now on the witness stand that you were
2 5 feet away from a murder and witnessed a man be shot down in
3 the street; correct?

4 A. Yes.

5 Q. And your texts at 11 o'clock at night or whatever time it
6 was that night, do not say that, do they?

7 A. No.

8 Q. So we have to take your word for it again, don't we?

9 A. Yes.

10 Q. Now, over the period of time that you were working for
11 either the Baltimore City Police Department or for the ATF, you
12 were getting paid periodically; right?

13 A. Yes.

14 Q. And you -- for example, you would come in and meet them;
15 they might give you \$500 or a thousand dollars; right?

16 A. Yes.

17 Q. And that went on -- I mean, you actually accumulated
18 thousands of dollars doing that, didn't you?

19 A. Yeah. I actually gave 'em good information a lot.

20 Q. You felt it was worth it, what you were doing.

21 A. Did I feel it was worth it?

22 Q. I mean, they were getting what -- they were getting good
23 information for the dollars they paid you; right?

24 A. Yes.

25 Q. But they weren't getting a hundred percent truthful or a

~~W. BANKS - CROSS~~

1 hundred percent candid information, were they?

2 **A.** What I was paid for was -- was truthful. And I had
3 withheld information as well.

4 **Q.** You withheld information, and you told some lies from time
5 to time?

6 **A.** Yes.

7 **Q.** All right. And -- I mean, other attorneys have been over
8 many of the lies that you told, but there was a whole laundry
9 list of them; correct?

10 **THE COURT:** I think --

11 **MS. HOFFMAN:** Objection.

12 **THE COURT:** We've been over it.

13 **MR. TRAINOR:** All right. Thank you, Your Honor.

14 **BY MR. TRAINOR:**

15 **Q.** You admit now that you told a bunch of lies; right?

16 **A.** Yeah, I have lied in the past.

17 **Q.** So -- but this music connection is real?

18 **A.** Connection as far as with who?

19 **Q.** I mean, you were trying to be a professional music artist;
20 correct?

21 **A.** Yes.

22 **Q.** All right. And so were other people. There were studios
23 and music venues that you went to.

24 **A.** Yes.

25 **Q.** And, I mean, you performed in some of those music videos.

~~W. BANKS - CROSS~~

1 I think the one "Boy You Lyin'" is one of them; right?

2 A. Yes.

3 Q. And you were able to act out different things, some of
4 which were true, some of which were not true; correct?

5 A. Act out? I was just bouncing around to the music.

6 Q. Oh, you weren't part of the video where there was a drug
7 transaction you said that was fake?

8 A. No.

9 Q. You weren't in that video? That wasn't in that video?

10 A. No. It was in the video. I wasn't -- I didn't partake in
11 that actual scene.

12 Q. That was not your scene. All right.

13 A. No. I didn't do any of the acting. I was just rapping.

14 Q. Got you.

15 So August 26th, '16, was the day you were arrested.

16 A. Yes.

17 Q. And you knew you were in deep, deep trouble at that time
18 just based on what they found in your house; right?

19 A. Yes.

20 Q. Those guns, that -- those drugs, you were high on
21 heroin --

22 A. Yes.

23 Q. -- right?

24 And within 20 days, the Government had you before a
25 grand jury; right?

~~W. BANKS - CROSS~~

1 **A.** I don't remember the exact time frame, but it was quick.

2 **Q.** All right. And all that was in spite of your history of
3 lying to law enforcement over many, many months; correct?

4 **A.** Yes.

5 **MR. TRAINOR:** Thank you. I have no further questions.

6 **THE COURT:** All right. I think this will be a good
7 time for the afternoon recess.

8 We'll start by excusing the jury.

9 (Jury left the courtroom at 3:41 p.m.)

10 **THE COURT:** All right. We can excuse the witness.

11 And we can excuse the gallery.

12 (Pause.)

13 **THE COURT:** All right. We'll take the afternoon
14 recess.

15 (Recess taken.)

16 **THE COURT:** All right. We can bring in the jury.

17 (Jury entered the courtroom at 4:04 p.m.)

18 **THE COURT:** All right. Ms. Amato.

19 **MS. AMATO:** Thank you, Your Honor.

20 CROSS-EXAMINATION

21 **BY MS. AMATO:**

22 **Q.** Good afternoon, Mr. Banks.

23 **A.** Good afternoon.

24 **Q.** My name is Elita Amato. And I represent
25 Mr. Corloyd Anderson, who you've identified as Bo.

~~W. BANKS - CROSS~~

1 Now, I'm going to try not to repeat a lot of what you've
2 already gone through since I am the fourth attorney, but there
3 is going to be some repetition.

4 And I'm going to start out with, again, touching upon the
5 shooting outside of the Mirage, the shooting of Hill.

6 And you've already told us that you lied about what
7 transpired; right?

8 **A.** Yes.

9 **Q.** And you claimed -- you put the shooting on Bangout when it
10 was really you; correct?

11 **A.** Yes.

12 **Q.** And that the only reason that you came clean and told the
13 truth was because you were confronted by law enforcement with
14 the truth?

15 **A.** Yes.

16 **Q.** They actually had a recording of what happened?

17 **A.** Yes.

18 **Q.** And that recording we watched yesterday here in this
19 courtroom?

20 **A.** Yes.

21 **Q.** And the police actually showed you that recording when you
22 were speaking with them, correct, back -- way back when they
23 were talking to you about this; correct?

24 **A.** Yes.

25 **Q.** And they used that recording to confront you; correct?

~~W. BANKS - CROSS~~

1 **A.** That was a part of it, yes.

2 **Q.** Right. Okay.

3 And so if they hadn't had that recording, it was your
4 intention to take that lie to your grave; correct?

5 **A.** Even if they didn't have the recording and they -- and I
6 was still charged with it, I still would have admitted to it.
7 I admitted to it, if I can recall correctly, before I saw the
8 recording.

9 **Q.** But you were told about the recording.

10 **A.** Right. I was told about it, and I did see it, ultimately.
11 But I still --

12 **Q.** But your intent initially was to go to your grave with
13 that lie; correct?

14 **A.** Yes.

15 **Q.** All right. And you would have come into this courtroom
16 with that lie.

17 **MS. HOFFMAN:** Objection.

18 **THE COURT:** Sustained.

19 **BY MS. AMATO:**

20 **Q.** You've also been asked questions about Terrell Gale and
21 the shooting of Terrell Gale.

22 **A.** Yes.

23 **Q.** All right. And, again, as to the shooting of
24 Terrell Gale, we've already heard -- and you've admitted --
25 that you lied about that initially to law enforcement; correct?

~~W. BANKS - CROSS~~

1 **A.** Yes.

2 **MS. HOFFMAN:** Objection; asked and answered.

3 **THE COURT:** Sustained.

4 **MS. AMATO:** Your Honor, it's cross and I have to --
5 I'm trying to make a point.

6 **THE COURT:** If you promise that you're getting to
7 something.

8 **MS. AMATO:** I am. I am, Your Honor.

9 **THE COURT:** Just make it quickly.

10 **MS. AMATO:** And I'm not going to go through all the
11 details.

12 **BY MS. AMATO:**

13 **Q.** But in that -- in that circumstance, law enforcement
14 didn't have a recording; correct?

15 **A.** Yes.

16 **Q.** But they had ballistics, ballistic evidence.

17 **A.** Yes.

18 **Q.** All right. And that evidence was not consistent with your
19 story, was it?

20 **A.** No.

21 **Q.** It was consistent with the victim's story; correct?

22 **A.** Yes.

23 **MS. HOFFMAN:** Objection.

24 **THE COURT:** I don't think we know, so sustained.

25 **BY MS. AMATO:**

1 Q. Well, you learned that there was ballistic evidence;
2 correct?

3 A. Yes.

4 Q. All right. And it wasn't consistent with your story?

5 A. No.

6 Q. And you knew that law enforcement had spoken to the real
7 victim?

8 A. Yes.

9 MS. AMATO: I'm not asking what the victim said.

10 THE COURT: Right, because I sustained that one. So
11 next question.

12 MS. AMATO: Right. So . . .

13 BY MS. AMATO:

14 Q. All right. Now, you do know that there were things that
15 you told us that law enforcement doesn't have recordings for;
16 correct?

17 A. Yes.

18 Q. All right. They don't have other evidence; correct?

19 A. Yes.

20 Q. And it's just your word?

21 A. Well, actually, I don't know if they have other evidence
22 or not. I just know that I told them the truth. And anything
23 else that was gathered from that point on, that's -- you know.

24 Q. All right. Well, every time that they have something --
25 strike that.

~~W. BANKS - CROSS~~

1 Let me say this to you: You told them about people that
2 supplied you.

3 A. Yes.

4 Q. And you've told us about people that you -- supplied you.

5 A. Yes.

6 Q. And back in 2012 you were selling drugs; correct?

7 A. No.

8 Q. Okay. When did you start selling your drugs?

9 A. About 2015.

10 Q. Okay. So then back in 2015, when you were selling your
11 drugs, you told law enforcement who was out there supplying
12 you; correct?

13 A. Yes.

14 Q. All right. And you knew that by telling them who was
15 supplying you, you knew that they didn't have any recordings of
16 who -- of your -- of your being supplied by people; correct?

17 A. Yes.

18 Q. Meaning, yes, you knew that they had no recordings?

19 A. That they had no recordings.

20 Q. That's right.

21 So when you come in here and you tell us that Bo was a
22 supplier, you know they don't have any recordings of you being
23 supplied by Bo; correct?

24 MS. HOFFMAN: Objection. Basis for the knowledge.

25 Calls for speculation.

1 **BY MS. AMATO:**

2 **Q.** Well, let me ask it this way: When you were getting
3 supplied, you weren't recording who was supplying you; correct?

4 **A.** As far as like audio?

5 **Q.** When you were doing your own thing, not when you were
6 doing controlled buys -- we know you did controlled buys with
7 law enforcement.

8 **A.** Right.

9 **Q.** All right. And those controlled buys obviously are
10 recorded; right? We saw one of them today.

11 **A.** Right.

12 **Q.** All right. But when you were doing your own thing, you
13 weren't recording it; right?

14 **A.** No.

15 **Q.** Right.

16 And law enforcement never showed you any recordings of
17 when you were doing your own thing; correct?

18 **A.** No.

19 **Q.** All right. So you know that there's no recording of
20 anyone like Bo supplying you; correct?

21 **A.** I don't know.

22 **Q.** All right. Well, you certainly haven't seen it, have you?

23 **A.** No, I haven't seen it.

24 **Q.** You haven't seen any recordings of you being supplied by
25 anybody except for the times that it was a controlled buy;

~~W. BANKS - CROSS~~

correct?

A. That's correct.

Q. You testified and you testified a little bit on cross as well about the time that you and Kane were pulled over by police.

Do you remember that?

A. Yes.

Q. All right. And on direct examination, you claim that Bo had provided you the drugs that you had with you that day; correct?

A. Yes.

Q. All right. Now, police searched you; correct?

A. Yes.

Q. And they didn't find any drugs on you.

A. Correct.

Q. So there's no evidence that you had drugs on you that day; correct?

A. Correct.

Q. And there's no evidence that Bo supplied you.

MS. HOFFMAN: Objection.

THE COURT: Sustained.

BY MS. AMATO:

Q. Well, all we have is your word; correct?

A. Correct.

Q. And yesterday you claimed that Bo had a stash house in

~~W. BANKS - CROSS~~

2012.

A. Yes.

Q. And you described to us the stash house as being a blue house; right?

A. Yes.

Q. And it was near a CVS.

A. Yes.

Q. But you didn't give us a house number, did you?

A. No. I didn't know it.

Q. Okay. So -- and you spoke to police about this so-called stash house; correct?

A. Yes.

Q. And you didn't give them a number either?

A. No.

Q. So there was no way that law enforcement could get a search warrant and try to search that residence?

A. I guess not --

Q. Based off -- based off what you gave --

A. -- not based off what I gave 'em.

Q. Right.

A. But I just gave 'em everything that I knew.

Q. Okay. And you told us yesterday that this stash house was on Rogers Avenue.

A. Yes.

Q. All right. Now, when you spoke with law enforcement and

~~W. BANKS - CROSS~~

1 Ms. Hoffman about this, the first time you spoke with them was
2 on September 12th of 2016.

3 Do you remember that?

4 **A.** That's what the paperwork says.

5 **MS. HOFFMAN:** Objection.

6 **BY MS. AMATO:**

7 **Q.** Okay. Well, you remember there being a first time,
8 obviously, for everything. The first time that you spoke to
9 them about the stash house, you may not remember the detail --

10 **A.** Yeah, I may not because I think I spoke with BPD about it
11 as well.

12 **Q.** Okay. But when you spoke with, for the first time, ATF
13 and Ms. Hoffman was present, you were asked about the location
14 of the stash house, weren't you?

15 **A.** I think so.

16 **Q.** And at that time on September 12th of 2016, you told them
17 it was at Bowers and Norwood.

18 **A.** No. We were probably talkin' about the Gwynn Oak guys.

19 **Q.** Okay. So you are saying here today that when you spoke to
20 law enforcement and Ms. Hoffman on September 12th of 2016, you
21 did not tell them that Anderson had a stash house on Bowers and
22 Norwood?

23 **A.** I probably said Bowers and Norwood, but it wouldn't be for
24 him. It would have been for Dirt or the guys around Gwynn Oak.

25 **Q.** Well, you --

~~W. BANKS - CROSS~~

1 **A.** I never known Bo to have a stash house at Bowers and
2 Norwood.

3 **Q.** Okay. All right. Well, you know that law enforcement
4 were taking notes while you were sitting there and giving them
5 information; correct?

6 **A.** Okay.

7 **Q.** All right. And now, you were asked -- you spoke again
8 with law enforcement about that on November 1st of 2016. Do
9 you remember speaking with them again?

10 **A.** No, but I probably did.

11 **Q.** Sorry?

12 **A.** No. I don't remember the date. But I probably did speak
13 with them.

14 **Q.** All right. And at that time, when you were asked about
15 it, you changed your story. And then you told them --

16 **MS. HOFFMAN:** Objection.

17 **BY MS. AMATO:**

18 **Q.** When they asked you about the location, you said it was
19 Norwood and Rogers -- I'm sorry. Excuse me -- it was Rogers
20 and Park Heights; correct?

21 **A.** Yeah, that's the -- that's the stash house for Bo.

22 **Q.** Okay.

23 **A.** But the Bowers and Norwood is the Gwynn Oak guys'
24 stash house, and I wouldn't never associated that with Bo.

25 **Q.** Well, that's what you're telling us today.

1 **A.** That's what I said then as well. I don't know if they
2 could have mixed it up, but I know I didn't.

3 **Q.** Okay. Well, it's hard to be consistent with your lies;
4 right?

5 **THE COURT:** Sustained.

6 **MS. HOFFMAN:** Objection.

7 **BY MS. AMATO:**

8 **Q.** Now, yesterday you told us about someone that you rapped
9 with whose name is C-Bo.

10 **A.** Yeah. I didn't really rap with him, but he was a rapper
11 from 5200.

12 **Q.** All right. And so his name was Bo as well?

13 **A.** No. His name was Charlie.

14 **Q.** Right. But you --

15 **A.** His rap name was C-Bo.

16 **Q.** Okay. So his name -- his rap name was C-Bo, B-O; correct?

17 **A.** C-B-O.

18 **Q.** C-B-O?

19 **A.** Yes.

20 **Q.** Okay. And the C -- C-Bo sold drugs; right?

21 **A.** He did.

22 **Q.** And he sold on Windsor Mill and Forest Park; right?

23 **A.** Yes.

24 **Q.** He sold dope; right?

25 **A.** Yes.

~~W. BANKS - CROSS~~

1 Q. All right. I'm going to move to the murder of
2 Antoine Ellis, and that was something that you had intended to
3 do.

4 A. Yes, that's something I was asked to do.

5 Q. Right -- well, that was something that you intended to do;
6 right?

7 A. Yes.

8 Q. Okay. You had wanted to do that. You were prepared to
9 kill Antoine Ellis?

10 A. Yes.

11 Q. And the only thing that stopped you was that someone else
12 killed him?

13 A. Yes.

14 Q. Gambino?

15 A. Yes, Gambino.

16 Q. All right. And you told us, according to you, Gambino
17 told you that Bo gave him the gun; correct?

18 A. Yes; the Ruger.

19 Q. Okay. And this conversation that you had with Gambino,
20 that was you and Gambino; correct?

21 A. Yes.

22 Q. All right. And it was just the two of you; correct?

23 A. Yes.

24 Q. All right. So there's no conversation -- there's no
25 recording of this conversation, is there?

~~W. BANKS - CROSS~~

1 A. No; but this is in two thousand --

2 Q. Yes or no. Yes or no.

3 A. No.

4 Q. Okay. And according to -- well, let me -- and how long
5 did he claim that he had this gun for?

6 A. I don't -- I don't know how long he had it for. I had
7 just came home. I wasn't even a CI then.

8 Q. So you also claimed and told us that you overheard a
9 conversation between Gutta and Bo discussing this weapon.

10 A. Yes.

11 Q. All right. And that was, again, just a conversation
12 between you and Gutta and Bo; right?

13 A. No. I overheard them talking.

14 Q. Okay. But there wasn't anybody else in this conversation;
15 right?

16 A. No.

17 Q. There was just you, Gutta, and Bo, according to you;
18 right?

19 A. Right.

20 Q. All right. And so, again, all we have is your word that
21 you heard this conversation.

22 A. Yes.

23 Q. There's no recording; correct?

24 A. Correct.

25 Q. All right. Now, when you got locked up in 2013, you ended

1 up entering into an informant's agreement at the state level;
2 correct?

3 **A.** Yes.

4 **Q.** In April of 20 -- April 26th of 2013; correct?

5 **A.** Yes.

6 **Q.** And to do that, you actually signed an agreement?

7 **A.** Yes.

8 **MS. HOFFMAN:** Objection; asked and answered.

9 **THE COURT:** I'm going to assume we're getting to
10 something new.

11 **MS. AMATO:** Yes.

12 **BY MS. AMATO:**

13 **Q.** And when you were released from jail in the middle of
14 December of 2015, you were still under that agreement?

15 **A.** Yes.

16 **Q.** All right. And so for some time, then, prior to your
17 release, from April until December, before you got released,
18 you had been very aware of the rules that you were under as an
19 informant based on what you signed?

20 **A.** Yes.

21 **Q.** All right. And yet knowing that, when you got released,
22 you started your double life; correct?

23 **A.** No, not immediately, no.

24 **Q.** Okay. When did it start?

25 **A.** It was in 2015, but I was -- when I came home, I was

~~W. BANKS - CROSS~~

1 trying to work and I was working for a couple months. And I
2 ended up getting fired, so it was just back to the streets.

3 Q. And where were you working?

4 A. At Dietz & Watson.

5 Q. Where?

6 A. At Dietz & Watson.

7 Q. Dietz & Watson. Okay.

8 All right. So you're saying it was how long before you
9 started your criminal life again?

10 A. It was in 2015, but probably like the middle.

11 Q. Okay. Well, you were released in 2015 --

12 A. 2014.

13 THE COURT: 2014.

14 BY MS. AMATO:

15 Q. Okay. All right. You were released in December -- excuse
16 me, December of 2014?

17 A. Uh-huh.

18 Q. And then you started this work at Dietz & Watson?

19 A. Yes.

20 Q. And for how long was that?

21 A. It was just for a couple months, and I ended up getting
22 fired. It was a job through a temp agency. And by the
23 summertime, I was -- I was back in the streets.

24 Q. All right. And in January is when you signed your
25 agreement with the ATF.

1 **MS. HOFFMAN:** Objection. Clarify the year.

2 **MS. AMATO:** I'm sorry.

3 **BY MS. AMATO:**

4 **Q.** January 2016.

5 **THE COURT:** Right.

6 **BY MS. AMATO:**

7 **Q.** The specific day was January 12th of 2016. You signed an
8 agreement with --

9 **MS. HOFFMAN:** Objection. It's not the right date.

10 **THE COURT:** Can we just say January 2016.

11 **MS. AMATO:** I'm sorry. Court's indulgence.

12 (Counsel conferred.)

13 **BY MS. AMATO:**

14 **Q.** All right. So, again, you signed an agreement with the
15 ATF, an informant agreement, on January 12th, 2016.

16 **A.** Yes.

17 **Q.** And the rules were basically the same as what you had been
18 under with the state's law enforcement; correct?

19 **A.** Yes.

20 **Q.** All right. And one of the rules that was written out for
21 you that you initialed was that you would not participate in
22 any unlawful activities except insofar as ATF determines such
23 participation is necessary to this investigation and ATF
24 expressly authorizes such acts in advance.

25 And you never had any intention of complying with that,

1 did you?

2 **A.** I had intentions of complying.

3 **Q.** Well, it didn't take you very long to -- to not comply,
4 did it?

5 **A.** I backslid.

6 **Q.** So I'd like to show you what's been marked already as
7 Government's Exhibit SM-22 on Page 7.

8 **MS. AMATO:** If the Government could assist me. I'm
9 sorry. SM-22, Page 7.

10 (Counsel conferred.)

11 **BY MS. AMATO:**

12 **Q.** Well, you knew the agreement meant you couldn't possess
13 guns; correct?

14 **A.** Yes.

15 **Q.** You knew the agreement meant you couldn't sell drugs;
16 correct?

17 **A.** Yes.

18 **Q.** All right. And, again, the agreement was signed on
19 January 12th, 2016. And barely two weeks later, you're out
20 there carrying guns; correct?

21 **A.** Yes.

22 **Q.** All right. In fact, this photograph is from your
23 Instagram account; correct?

24 **A.** Yes.

25 **Q.** Dated January 29th of 2016. See the date?

~~W. BANKS - CROSS~~

1 A. Yes.

2 Q. And just so we're all clear, this is you (indicating) --

3 A. Yes.

4 Q. -- that I'm circling with the green.

5 And you're holding a gun.

6 A. Yes.

7 Q. And you're pointing it at us, basically.

8 A. At the camera, yes.

9 Q. And you posted this?

10 A. Yes.

11 Q. And you've already been asked about how ATF had
12 reprimanded you for violating the rules, and they -- basically,
13 in April they reprimanded you; correct?

14 A. Yes.

15 Q. Okay. And it was because of seeing these photos or a
16 photo like this that they basically said you're not doing what
17 you're supposed to be doing?

18 A. Yes.

19 Q. But they didn't pull the plug on you, did they, at that
20 point?

21 A. No.

22 Q. And you never did get that job at Under Armour, did you?

23 A. No.

24 Q. Okay. And that was something that you had -- when you
25 wrote that letter back in November 4th of 2014 to the State's

~~W. BANKS - CROSS~~

1 Attorney, Ms. Middleton, begging for your freedom that you had
2 promised her, didn't you?

3 A. I said that I had a job waiting, and things changed when I
4 got home. It wasn't up to me.

5 Q. You said [reading]: I have a job at Under Armour upon my
6 release.

7 A. Right.

8 Q. And that was to try to convince her to release you;
9 correct?

10 A. No. That was because I had the job waitin'. And then
11 when I was released, it wasn't there anymore.

12 Q. And you were asked about when you were arrested that
13 law enforcement searched your residence; correct?

14 A. Yes.

15 Q. And -- 'cause they had an actual address to your
16 residence; right?

17 A. Yes.

18 Q. And at that residence, you had a .22-caliber long rifle
19 loaded; correct?

20 A. Yes.

21 Q. Report -- it was stolen; right?

22 A. Yes.

23 Q. You had a 20-gauge shotgun, loaded.

24 A. Yes.

25 Q. You had a Ruger .44-caliber magnum revolver, loaded --

~~W. BANKS - CROSS~~

1 **A.** Yes.

2 **Q.** -- also stolen.

3 Ammunition.

4 **A.** Yes.

5 **Q.** Three digital scales with residue.

6 **A.** Yes.

7 **Q.** Three bags containing approximately 5 grams each of
8 heroin.

9 **A.** Yes.

10 **Q.** One bag containing heroin of approximately 7 grams?

11 **A.** Yes.

12 **Q.** One bag containing white powder.

13 **A.** Yes.

14 **Q.** Was that crack?

15 **A.** No. It was cut.

16 **Q.** It was cut?

17 **A.** Yeah.

18 **Q.** Okay. And you had numerous counterfeit bills, U.S.

19 **A.** Yes.

20 **Q.** Okay. And those numerous counterfeit bills were fake.

21 **A.** Yes. That's what counterfeit is.

22 **Q.** Exactly.

23 And you were out there using those.

24 **A.** No. I had those for like a year.

25 **Q.** Oh, I see.

~~W. BANKS - CROSS~~

1 **A.** I forgot they were even there.

2 **Q.** I see.

3 But the intent of having them was to use them as if they
4 were real money; right?

5 **A.** No. Like a -- like a year before, before, yes, in the
6 streets.

7 **Q.** In the streets.

8 **A.** Yes.

9 **Q.** You were going to use it; correct?

10 **A.** I was for a while.

11 **Q.** Okay.

12 **MS. AMATO:** Thank you. I have no further questions,
13 Your Honor, of this witness.

14 **THE COURT:** All right. Thank you.
15 Mr. Hazlehurst.

16 **MR. HAZLEHURST:** Thank you, Your Honor.

17 CROSS-EXAMINATION

18 **BY MR. HAZLEHURST:**

19 **Q.** Good afternoon, Mr. Banks.

20 **A.** Good afternoon.

21 **Q.** My name is Paul Hazlehurst. I represent Shakeen Davis
22 (indicating). And I'm sure you're a little weary. I'm a
23 little weary. I'm sure everybody here is a little weary, so
24 I'm going to try and be very focused and direct in the
25 questions I ask you. Okay?

~~W. BANKS - CROSS~~

1 You testified when you were being questioned by the
2 Government about a shooting that occurred on May 30th of 2015;
3 correct?

4 **A.** Yes.

5 **Q.** Okay. And that shooting occurred near the intersection of
6 North Forest Park Avenue and Windsor Mill Road; correct?

7 **A.** Yes.

8 **Q.** I want to be perfectly clear about one thing: At the time
9 a shooting occurred on that date, May 30th of 2015, at the
10 intersection or near the intersection of Windsor Mill Road and
11 North Forest Park Avenue, you were not present; correct?

12 **A.** No.

13 **Q.** Okay. So you did not witness any shooting occur; correct?

14 **A.** No.

15 **Q.** And you certainly didn't witness Shakeen Davis --

16 **A.** No.

17 **Q.** -- shooting anyone.

18 Thank you.

19 Now, there's been a significant amount of talk about the
20 fact that you registered at some point with the city police as
21 a confidential informant; correct?

22 **A.** Yes.

23 **Q.** And I'm going to show you what has been marked as
24 Defendant's Exhibit 1A for purposes of identification.

25 **MR. HAZLEHURST:** May I approach, Your Honor?

~~W. BANKS - CROSS~~

THE COURT: Yes.

BY MR. HAZLEHURST:

Q. At the time that you signed up as a confidential informant, your attorney was Catherine Flynn; correct?

A. Yes.

Q. And you registered as William Banks; correct?

A. Yes.

Q. And you would have been about 24 years old; correct?

A. Yes.

Q. Now, I'm going to show you what's been marked as Defendant's 1A for purposes of identification. Is that a confidential informant registration form?

A. Yes.

Q. Does it have your name on it?

A. Yes.

Q. Does it have Catherine Flynn's name on it?

A. Yes.

Q. I'm going to ask you to refer to Page 3 of that document. Do you see your signature --

MS. HOFFMAN: Objection.

BY MR. HAZLEHURST:

Q. -- anywhere on that page?

THE COURT: I'm sorry?

MS. HOFFMAN: Sorry. I withdraw it.

~~W. BANKS - CROSS~~

1 **THE COURT:** Okay.

2 **THE WITNESS:** Yes.

3 **BY MR. HAZLEHURST:**

4 **Q.** How many times do you see your signature?

5 **A.** Five.

6 **Q.** Five times.

7 And that page apparently was to establish what your
8 signature looked like; correct?

9 **A.** Yes.

10 **Q.** I'm going to direct you to Page 4 of that agreement. Do
11 you also see your signature there?

12 **A.** Yes, I see my initials and my signature.

13 **Q.** Okay. And can you read what this line says here
14 (indicating).

15 **A.** [Reading]: You are not a member of the Baltimore Police
16 Department --

17 **Q.** I'm sorry. I meant that line right there (indicating).

18 **A.** Oh. [Reading]: Instructions to Informants.

19 **Q.** And there are several instructions that are on that page;
20 correct?

21 **A.** Yes.

22 **Q.** And your initials are next to each one of those
23 instructions; correct?

24 **A.** Yes.

25 **Q.** Okay. And I'm going to ask you to read, if I could, this

~~W. BANKS - CROSS~~

1 line, sir (indicating).

2 A. This one (indicating)?

3 Q. Yes, sir. Right here, starting with "you shall"?

4 A. [Reading]: You shall -- you shall not initiate a plan to
5 commit criminal acts.

6 Q. Okay. And could you also read this line, sir
7 (indicating). "You shall not become" --

8 A. [Reading]: You shall not become involved in criminal
9 activities.

10 Q. Okay. And did you initial both of those lines, sir?

11 A. Yes.

12 Q. Okay. Could you please read this sentence here, sir
13 (indicating).

14 A. Right here (indicating)?

15 Q. Yes, sir.

16 A. [Reading]: The above conditions have been read by me or
17 read to me, and I fully understand them.

18 Q. Is that your signature there, sir?

19 A. Yes.

20 Q. And the date is April 26th; correct?

21 A. Yes.

22 Q. Thank you.

23 Now, the way this worked was that you would get paid to be
24 an informant; correct?

25 A. Yes.

~~W. BANKS - CROSS~~

1 Q. Okay. And so you didn't necessarily have to go out and do
2 things. But if you brought information, you'd get payment for
3 it; right?

4 A. Yes.

5 Q. Okay. And there were payments made to you during the
6 period that you were an informant for Baltimore City; correct?

7 A. Yes.

8 Q. And you carried on as an informant for the
9 Baltimore City Police up until you signed on with the ATF;
10 right?

11 A. Yes.

12 Q. And that was in January of 2016?

13 A. Yes.

14 Q. So for the period of 2015, you were an informant for the
15 Baltimore City Police Department; correct?

16 A. Yes.

17 Q. Okay. And when you got paid, you would actually have to
18 go meet with an officer and actually sign a voucher when you
19 got paid, didn't you?

20 A. Yes.

21 Q. Okay.

22 (Counsel conferred.)

23 MR. HAZLEHURST: Your Honor, may I approach the
24 witness?

25 THE COURT: All right.

1 **MR. HAZLEHURST:** Thank you.

2 **BY MR. HAZLEHURST:**

3 **Q.** Mr. Banks, I'm going to show you what's been marked as
4 Exhibit 1B for purposes of identification and ask you if you
5 can tell me what that is.

6 **A.** A voucher to show that I was paid for information.

7 **Q.** Okay. And is your signature -- I'm showing you Page 2.
8 Is your signature anywhere on that page?

9 **A.** Yes.

10 **Q.** And can you tell me what the date is.

11 **A.** The 11th -- August 11th.

12 **Q.** Two thousand and what, sir?

13 **A.** 15.

14 **Q.** Okay. And how much did you get paid?

15 **A.** Oh, 500.

16 **Q.** Okay. Next I'm going to show you what's been marked as
17 Defendant's Exhibit 1C for purposes of identification.

18 Can you tell me what that document is.

19 **A.** A similar one to the previous.

20 **Q.** Okay. And I'm showing you Page 2 of the document. What
21 is the date on that?

22 **A.** September the 15th.

23 **Q.** And how much did you get paid then?

24 **A.** 300.

25 **Q.** Okay. I'm showing you what's been marked as Defendant's

1 Exhibit 1D for purposes of identification. Is that a similar
2 document to the first two?

3 A. Yes.

4 Q. And I'm showing you Page 2 of that document. Can you tell
5 me what --

6 A. 500.

7 Q. \$500 on what date, sir?

8 A. On October -- there's no day.

9 Q. Looks like a --

10 A. Oh, 1st.

11 Q. October 1st?

12 A. Yeah.

13 Q. Okay. Thank you.

14 Showing you what's been marked as Defendant's Exhibit 1E
15 for purposes of identification, same sort of document, sir?

16 A. Yes.

17 Q. Okay. Can you tell me what the date of that is.

18 A. October 2nd.

19 Q. How much did you get paid?

20 A. \$300.

21 Q. Okay. Showing you what's been marked as Defendant's
22 Exhibit 1F for purposes of identification. Same sort of
23 document?

24 A. Yes.

25 Q. Okay. What's the date on that?

1 **A.** October 5th.

2 **Q.** How much did you get paid?

3 **A.** A thousand dollars.

4 **Q.** Okay. I'm showing you what's been marked as Defendant's
5 Exhibit 1G for purposes of identification.

6 Can you tell me, same sort of document.

7 **A.** Yes.

8 **Q.** What's the date?

9 **A.** October 9th.

10 **Q.** How much did you get paid?

11 **A.** A thousand dollars.

12 **Q.** Okay. And, finally, showing you what's been marked as
13 Defendant's Exhibit 1H for purposes of identification. Same
14 sort of document?

15 **A.** Yes.

16 **Q.** Okay. And on that date, what's the date there?

17 **A.** October the 14th.

18 **Q.** And how much did you get paid?

19 **A.** A thousand dollars.

20 **Q.** I'm going to ask you to look at 1B again. Is there any
21 reference to whether information was obtained from you?

22 **A.** Yes.

23 **Q.** Looking at 1C, was any information, according to the
24 document, obtained from you that day?

25 **A.** No.

~~W. BANKS - CROSS~~

1 Q. Okay. 1D?

2 A. No.

3 Q. 1E?

4 A. Yes.

5 Q. So it would be safe to say, sir, that there were some
6 times when you provided information and some times that you
7 didn't; correct?

8 A. Well, from the looks of that, yes, but I always provided
9 information.

10 Q. Okay. And let me get to that, because it was important to
11 you to provide information, 'cause that's how you got paid;
12 right?

13 A. Yes.

14 Q. The more information you gave, the more money you got;
15 correct?

16 A. Yes.

17 Q. Okay. So you had every incentive during that time when
18 you were acting as an informant to provide as much information
19 about criminal activity as you could; correct?

20 A. Yes.

21 Q. Okay. And the total number of payments -- and I'm sure --
22 does \$4,600 sound about right to you for that, what I just
23 showed you there?

24 A. Yes.

25 Q. Now, again, this was 2015. You had all these incentives

~~W. BANKS - CROSS~~

1 to try and make as much money as you could; correct?

2 **A.** Yes.

3 **Q.** You lost your job during 2015; is that what you testified
4 to before?

5 **A.** Yes.

6 **Q.** Okay. So other than criminal activity, this would have
7 been your only other source of income.

8 **A.** Yes.

9 **Q.** And you've already testified that you didn't really want
10 to engage in criminal activity. You wanted to do what was
11 right; correct?

12 **A.** Yes.

13 **Q.** Okay. But you never told the Baltimore City Police
14 Department anything about Shakeen Davis in 2015, did you?

15 **A.** I don't recall. But I know as soon as I found out, then I
16 told them.

17 **Q.** You told them, the Baltimore City Police?

18 **A.** I told whoever my handler was.

19 **Q.** For the Baltimore City Police?

20 **A.** If I was signed up with them at that time, yes.

21 **Q.** Okay. So there would be a report out there. There would
22 be something that would be generated that you told them that
23 said, yeah, you provided information.

24 **MS. HOFFMAN:** Objection; calls for speculation.

25 **THE COURT:** Sustained.

1 **BY MR. HAZLEHURST:**

2 **Q.** Now, you never were called as a witness in any case
3 against Shakeen Davis in state court, were you?

4 **A.** No.

5 **Q.** Okay. You never, to your knowledge, knew that
6 Shakeen Davis was arrested in state court or given state
7 charges for this incident, was he?

8 **A.** No.

9 **Q.** Okay. Now, you were arrested by the federal authorities
10 in this case on August 26th of 2016; correct?

11 **A.** Yes.

12 **Q.** And that was a really bad day for you, wasn't it?

13 **A.** Yes.

14 **Q.** You went to the ATF office expecting that you were going
15 to get paid some money; right?

16 **A.** Yes.

17 **Q.** And what happened was you got arrested.

18 **A.** Yes.

19 **Q.** And a search warrant got executed on your house; correct?

20 **A.** That's correct.

21 **Q.** And when they executed that search warrant, they found
22 three firearms; right?

23 **A.** Yes.

24 **Q.** And some drugs; correct?

25 **A.** Yes.

~~W. BANKS - CROSS~~

1 Q. Okay. And that was the day that you decided again: I'm
2 not going to do this anymore. I'm going to finally tell the
3 truth. Right?

4 A. Yes.

5 Q. Okay. That's the day that you finally admitted that you
6 had been the one who shot Samartine Hill; correct?

7 A. Yes.

8 Q. And they sat you down for an interview that was recorded
9 by video, didn't they?

10 A. Yes.

11 Q. And you'd been through a lot of proffers before that,
12 hadn't you?

13 MS. HOFFMAN: Objection.

14 THE COURT: Basis?

15 MS. HOFFMAN: No factual basis.

16 (Counsel conferred.)

17 BY MR. HAZLEHURST:

18 Q. You'd been through -- let me apologize for using the word.

19 You've been through a lot of meetings with law enforcement
20 officers before that, hadn't you?

21 A. Yes.

22 Q. Yeah. You'd been an informant for a long time; right? So
23 you'd met with all these Baltimore City police officers before,
24 hadn't you?

25 A. Yes.

~~W. BANKS - CROSS~~

1 Q. You'd met with federal agents because you were at that
2 point acting as an ATF informant, even though you weren't doing
3 what you were supposed to do; right?

4 A. Yes.

5 Q. So usually when you met with these guys, they would sit
6 down; they might take notes, write it down on paper. Maybe
7 somebody would use a computer. But you'd never been on video
8 before, had you?

9 A. Not that I knew of. I didn't even know I was on video
10 when I was.

11 Q. Okay. So you basically at that point opened your closets
12 and had a yard sale, didn't you? You told them everything you
13 knew.

14 A. Yes.

15 Q. Right. You said, I think, in direct, "I told them
16 everything and then some," didn't you?

17 A. Yes.

18 Q. But you didn't say a word about Shakeen Davis, did you?

19 A. If I'm not mistaken, I -- I -- we might have already
20 discussed that or it might have come to me at a later date if
21 I -- if I already didn't.

22 Q. But you can't remember saying anything about Shakeen Davis
23 that day, can you?

24 A. I think I did.

25 Q. You're not sure.

1 **A.** I did.

2 **Q.** So you did. So the person who was interviewing you that
3 day was Agent Moore; correct?

4 **A.** Yes.

5 **Q.** So if Agent Moore wrote a report, likely should be
6 something about Shakeen Davis in there if you said something;
7 right?

8 **MS. HOFFMAN:** Objection; calls for speculation.

9 **THE COURT:** Overruled.

10 **BY MR. HAZLEHURST:**

11 **Q.** Right?

12 **A.** Yes, it should be.

13 **Q.** Should be in there. Okay.

14 Now, there is a time when you did say something about
15 Shakeen Davis. You appeared before the grand jury on
16 September 15th of 2016, didn't you?

17 **A.** Yes.

18 **Q.** And when you appeared in front of the grand jury, you
19 said, in regard to Shakeen Davis, that, one, there was a
20 shooting; correct?

21 **A.** Yes.

22 **Q.** Two, you were not there when it happened; correct?

23 **A.** Correct.

24 **Q.** And that Creams, who you have said is the name for
25 Shakeen Davis, told you about it afterwards; correct?

1 **A.** No. I thought that I said Konan told me about it and
2 Creams was there.

3 **Q.** Well, let me refresh your recollection. I'm going to show
4 you what's been marked as Defendant's Exhibit 4 for purposes of
5 identification, and I'm going to point you to Page 60, Line 4.

6 The question was: Were you there when it happened?

7 Your answer was?

8 **A.** "No."

9 **Q.** Question: But Creams told you about it --

10 **MS. HOFFMAN:** Objection to the reading.

11 **THE COURT:** I'm sorry. What?

12 **MS. HOFFMAN:** Objection to the reading. I think the
13 witness should be given an opportunity to refresh his
14 recollection.

15 **THE COURT:** This is a short piece?

16 **MR. HAZLEHURST:** It is, Your Honor. It's four more
17 lines.

18 **THE COURT:** Go ahead.

19 **BY MR. HAZLEHURST:**

20 **Q.** Question: But Creams told you about it afterward.
21 And you answered?

22 **A.** "Yes."

23 **Q.** [Reading]: And he told you that he shot at some guys
24 because they tried to rob other members of MMP.

25 And you answered?

~~W. BANKS - CROSS~~

1 **A.** [Reading]: Right. Nutty B, if I'm not mistaken.

2 **Q.** Okay. And that's what you said?

3 **A.** Yes.

4 **Q.** Do you see any reference to Konan or someone known as
5 Kenyon Patterson?

6 **A.** No.

7 **Q.** Okay. So that's all you said when you were in front of
8 the grand jury. No Kenyon Patterson; correct?

9 **A.** Yes.

10 **Q.** Nothin' about crime tape; right?

11 **A.** Right.

12 **Q.** No reference to when you got there, what you heard;
13 correct?

14 **A.** Right.

15 **Q.** All right. Then eight months after that shooting, on
16 May 17th, 2017, you had a meeting with Agent Aanonsen
17 (indicating); correct?

18 **A.** Yes.

19 **Q.** And at that point, that's the first time you ever said
20 anything about Kenyon Patterson, isn't it?

21 **A.** I thought that I had been said it, so . . .

22 **Q.** Well, you thought, but you've seen --

23 **A.** Evidently not. I've seen it now, so --

24 **Q.** Right. Right. You've seen it.

25 **A.** So then yes.

~~W. BANKS - CROSS~~

1 Q. So your recollection is, one, you told the
2 Baltimore City Police back in 2015 about Shakeen Davis; right?

3 A. Yes.

4 Q. Your recollection was that you had told the grand jury
5 about Kenyon Patterson; right?

6 A. No, I never said I told the grand jury, but I -- I thought
7 I did.

8 Q. Well, isn't that the same thing?

9 A. Well, yes, then.

10 Q. And when you were arrested again by federal authorities on
11 that very bad August day, August 26th, you think you told
12 Agent Moore during that videotaped interview about
13 Shakeen Davis; right?

14 A. Yes.

15 Q. And you're positive of that?

16 A. I think I told him then.

17 Q. Okay.

18 A. There was a lot going on, so . . .

19 MR. HAZLEHURST: Okay. I have no further questions,
20 Your Honor.

21 Your Honor, I would move these exhibits into evidence.

22 THE COURT: Okay. Why don't we take that up in a
23 little bit.

~~W. BANKS - CROSS~~
CROSS-EXAMINATION

BY MR. DAVIS:

Q. Mr. Banks, we have 15 minutes.

5200 Windsor Mill Road and Forest Park, you testified in direct yesterday that you were out there in 2015.

Do you recall that testimony?

A. Yes.

Q. And you also indicated that you were not out there so much in 2016.

A. Yes.

Q. What months were you out there in 2015, if you recall?

A. I just remember it was hot outside. It was right before June. And like after June -- after May I stopped being out there as much 'cause everybody was gettin' locked up.

Q. So it was -- it wasn't on a daily basis, then, in any sense of the word?

A. No. I was selling a lot of drugs off the phone then.

Q. And when you say "Selling a lot of drugs off the phone," you weren't necessarily at 5200. You were mobile; correct?

A. Right.

Q. Now, you're older than Sydni Frazier; correct?

A. Yes.

Q. Do you even know him that well?

A. Not really. Just from being around 5200.

Q. Now, let me ask you a question about 5200 and the

1 neighborhood.

2 You've described 5200 boys as guys from the neighborhood;
3 correct?

4 A. Right.

5 Q. Are you a 5200 boy?

6 A. I was brought into the fold, but not originally, no. I'm
7 not originally from around there.

8 Q. So you didn't grow up around the 5200 area, did you?

9 A. No.

10 Q. Didn't go to school there, didn't go to middle school or
11 elementary school?

12 A. No.

13 Q. Now, you were in jail up until 2012; correct?

14 A. Yes.

15 Q. And then you started coming out into the community and
16 going around; correct?

17 A. Yes.

18 Q. And then you indicated that you're in the 5200 area in
19 2015 for those few couple months off and on; correct?

20 A. Yes.

21 Q. So you really didn't spend that much time out there.

22 A. I mean, I was up there a lot. I mean, it was -- it was --
23 when I say "off and on," like I might come around for a couple
24 days and then go be over East Baltimore, chilling over there.

25 You know, but if I'm selling drugs off the phone, I don't

~~W. BANKS - CROSS~~

1 have to pull stuff on the block to sell drugs.

2 Q. But how were you characterized as a 5200 boy if you
3 weren't there? What gave you the --

4 A. 'Cause the rap -- rappin'.

5 Q. And that came from your association with Mr. Bailey?

6 A. Yes.

7 Q. Now, you've mentioned each defendant at the table over
8 here during your testimony after the past two days; correct?

9 A. Yes.

10 Q. How many times did you meet with the prosecutors and the
11 agents to prepare your testimony for this trial?

12 A. Once.

13 Q. And how long of a time period was that?

14 A. Maybe seven, eight hours.

15 Q. And they ran the questions by you; correct?

16 A. Yes.

17 Q. To prep -- to prepare you. And there's nothing improper
18 with that.

19 A. Yes.

20 Q. They ran all the questions by you, and you gave them the
21 answers; correct?

22 A. Yes.

23 Q. Now, when you were arrested in August of 2016, despite
24 your ongoing criminal activity while you were a cooperator --
25 which began in 2014, so we're talking a two-year period -- the

~~W. BANKS - CROSS~~

1 state never terminated your plea agreement, did they?

2 **A.** No.

3 **Q.** And yesterday you testified that if you didn't comply with
4 the terms of your plea agreement, they would terminate your
5 plea agreement and prosecute you to the full extent of the law.
6 They didn't do that, did they?

7 **A.** No.

8 **Q.** And you were cooperating with the feds from two
9 thousand -- what year did you begin with them?

10 **A.** 2016, but I was terminated upon being arrested.

11 **Q.** Upon being arrest -- but you were cooperating for a while
12 there; right?

13 **A.** Yes.

14 **Q.** So there was no plea agreement to terminate; however, you
15 were given a plea agreement in January of 2017, after your
16 arrest and after violating the terms of your cooperation
17 arrangement with the authorities; correct?

18 **A.** Yes.

19 **Q.** Where did you learn about guns?

20 **A.** They kill.

21 **Q.** No. I know they kill. Well, they kill sometimes.

22 Where did you learn about them?

23 **A.** I didn't -- not any specific place. Just the streets.

24 **Q.** And when did you acquire this knowledge? Can you kind of
25 put a time frame on it. Was it before you went to jail? When

1 you got out of jail in 2012, did you have --

2 A. 2012.

3 Q. So you had that knowledge back then; right?

4 A. Yes.

5 Q. 'Cause you defined a number of terms for Ms. Hoffman
6 yesterday, slang terms for weapons.

7 A. Yes.

8 Q. And you seemed pretty proficient. And you were proficient
9 enough to trade drugs for guns when you were on the street, so
10 you must have some familiarity with the guns and their value;
11 correct?

12 A. Yes.

13 Q. Now, you've already told us that you lied when you were
14 questioned about the Terrell Gates [sic] incident, when you
15 talked to the authorities.

16 Do you remember that testimony?

17 A. Yes.

18 Q. And you not only lied about the incident; you also lied
19 about your knowledge of guns. They asked you in a
20 tape-recorded interview if you knew anything about guns, and
21 you said you didn't; correct?

22 A. 'Cause I really don't. I just know to aim and shoot.

23 Q. And when you talked to them and when you made
24 misrepresentations to them, that wasn't to further your
25 cooperation or to build your credit on the street, that was to

~~W. BANKS - REDIRECT~~

1 get out of jail; correct?

2 **A.** Repeat the question.

3 **Q.** When you lied to them about your knowledge of guns and
4 when you lied to them about the Terrell Gates [sic] incident,
5 that had nothing to do with cooperating. You weren't
6 committing crimes or lying to cooperate. You were lying to
7 them literally to get out of jail. That's why you told them
8 what you told them during that interview; correct?

9 **A.** Yes, I was lying to not be charged.

10 **MR. DAVIS:** Thank you.

11 **THE COURT:** Any redirect?

12 **MS. HOFFMAN:** Just briefly, Your Honor.

13 REDIRECT EXAMINATION

14 **BY MS. HOFFMAN:**

15 **Q.** Mr. Banks, I think the timeline may have gotten a little
16 jumbled, so I just want to attempt to clarify.

17 You testified, I believe, that the first time you met with
18 state prosecutors and investigators was in 2013; is that right?

19 **A.** Yes.

20 **Q.** And is that when you told the lie about the Mirage
21 shooting and said that it was Bangout?

22 **A.** Yes.

23 **Q.** And then Ms. Whalen asked you about -- there was a little
24 confusion, but she asked you about a January 2016 proffer with
25 federal investigators; is that right?

~~W. BANKS - REDIRECT~~

1 **A.** Yes.

2 **Q.** And I believe you testified that Hood asked you about the
3 Mirage shooting and you repeated the story that you had given
4 before, that it was Bangout; is that right?

5 **A.** Yes.

6 **Q.** That was several months before you actually got arrested
7 in this case; right?

8 And when --

9 **A.** Yes.

10 **Q.** Sorry.

11 And when you got arrested in this case, did you tell the
12 truth about the Mirage shooting?

13 **A.** Yes.

14 **Q.** Have you changed -- have you told investigators anything
15 different since that day?

16 **A.** No.

17 **Q.** Ms. Whalen asked you also about whether you told
18 investigators that you heard Bangout did it.

19 To the best of your recollection, what do you recall
20 telling investigators?

21 **A.** That I heard that he had did it.

22 **Q.** Not that you were actually there?

23 **A.** No.

24 **MS. AMATO:** Objection to leading.

25 **THE COURT:** Overruled.

1 **BY MS. HOFFMAN:**

2 **Q.** You testified earlier that when you signed up as a
3 confidential informant, you were ready to do whatever was
4 necessary to make arrests.

5 Did you say that?

6 **A.** Yes.

7 **Q.** What did you mean by that, whatever was necessary?

8 **A.** They asked me would I be willing to wear a wire.

9 I said, "Yes."

10 Would I be willing to do this or do that, and I -- I'd say
11 "yes," anything that's necessary.

12 **Q.** Were you willing to frame innocent people?

13 **A.** No. No.

14 **Q.** Were you willing to plant evidence?

15 **A.** No.

16 **Q.** Were you willing to lie about crimes other people
17 committed?

18 **THE COURT:** All right. I will sustain at this point.
19 A little bit too much leading now.

20 **BY MS. HOFFMAN:**

21 **Q.** Now, you were asked some questions about the payments that
22 you received as a CI, and I believe you testified that you
23 think you made a total of about \$10,000; does that sound right?

24 **A.** Well, I said seven, but --

25 **Q.** And then did you say --

~~W. BANKS - REDIRECT~~

1 **A.** It could have been more or less.

2 **Q.** And seven was just BPD; is that right?

3 **A.** Yes.

4 **Q.** And I believe you said -- did you say -- I actually don't
5 remember.

6 How much did you say you believed you made from ATF?

7 **A.** ATF? It was about -- I said four, forty-five.

8 **Q.** Okay. So I apologize. You testified that you believe you
9 made about \$11,000; is that right?

10 **A.** No -- well, altogether?

11 **Q.** Yes.

12 **A.** So yes.

13 **Q.** And you also testified that you were a CI from the end of
14 December through your arrest in August -- I'm sorry, the end of
15 December 2014 through your arrest in August of 2016?

16 **A.** Yes.

17 **Q.** So that \$11,000 was over a period of over a year and a
18 half; is that right?

19 **A.** Yes.

20 **Q.** You were asked some questions about whether you told
21 investigators about the Nutty B murder.

22 Do you remember that --

23 **A.** Yes.

24 **Q.** -- when it happened?

25 And I believe you testified that you think you told your

~~W. BANKS - REDIRECT~~

handler at the time?

A. Yes.

Q. Did you also meet with federal investigators in early 2016?

A. I may have, but I know whenever I was asked about Nutty B, I always told what happened.

Q. And that was going to be my next question. Did you tell federal investigators about the Nutty B murder when you met with them?

A. Yes.

Q. And did you also tell them about the Bangout murder, about what you had learned about the Bangout murder when you met with them?

A. Yes.

Q. You were asked some questions about individuals who may or may not have gotten out of MMP.

Do you remember that?

A. Yes.

Q. And do you remember testifying that you believed Tech got out of MMP?

A. Yes.

Q. And can you remind us what happened with Tech.

A. He supposedly had turned BGF. But, you know, he was from the 'hood. They grew up with him, so he got a pass.

Q. And I want to play you Government's Exhibit IC-125. And

1 this has previously come into evidence as a file from an iCloud
2 account belonging to Dante Bailey.

3 (Video was played but not reported.)

4 **MS. HOFFMAN:** I'm going to skip to 22 seconds.

5 (Video was played but not reported.)

6 **BY MS. HOFFMAN:**

7 **Q.** Can you tell us what we're looking at here.

8 **A.** That's SP, Dirt, Gutta, Hollywood, and Tech with the
9 monkey face on top of his -- well, monkey emoji.

10 **Q.** And do you see what's above the monkey emoji?

11 **A.** The lightning bolt.

12 **Q.** What does the lightning bolt signify in MMP?

13 **A.** Kill or have killed for MMP.

14 **Q.** You were asked some questions on cross about the murder
15 that you witnessed after Mookie was killed.

16 Do you remember that?

17 **A.** Yes.

18 **Q.** When you called Hood that night or when you tried to call
19 him, what were you hoping to accomplish?

20 **A.** I was trying to get the car pulled over so that they would
21 find the guns and whatever was getting ready to transpire
22 wouldn't happen.

23 **Q.** I'm going to show you what's now been marked as
24 Government's -- or, I'm sorry, Defense Exhibit Bailey 1.

25 And do you remember Ms. Whalen asked you to read some of

1 this first page here?

2 **A.** Yes.

3 **Q.** And this is a lengthy document, is it not?

4 **A.** Yes, it is.

5 **Q.** I want to flip to another page in here.

6 My apologies.

7 Do you see what it says at the top here?

8 **A.** [Reading]: The 7 Mobb mandates.

9 **MS. WHALEN:** Objection, Your Honor. This is not --
10 this is beyond cross, I would suggest, and this was only for
11 identification purposes only, if Your Honor recalls.

12 **THE COURT:** Do you want to come up to the bench.

13 (Bench conference on the record:

14 **THE COURT:** Ms. Moyé says only Page 1 was admitted.

15 **MS. AMATO:** Yeah, that's what I thought.

16 **MS. HOFFMAN:** I can put it in for identification only
17 and have him read it. That's --

18 **THE COURT:** What is it that you want him to read?

19 **MS. HOFFMAN:** So she had him read Page 1 of --

20 **THE COURT:** I'm sorry. I can't hear you.

21 **MS. HOFFMAN:** She had him read Page 1 of a lengthy
22 gang document, and I was going to have him read a couple
23 examples of other parts that talk about killing and that sort
24 of thing.

25 **MS. WHALEN:** All of these were seized in one place,

1 but they're all separate documents. So I had him read the
2 first paragraph of one document, which was the first of her
3 exhibits. I think it's improper redirect.

4 **THE COURT:** This is all one document?

5 **MS. HOFFMAN:** He identified it -- we moved it in for
6 identification on direct, and it was the same thing that
7 Ms. Whalen used.

8 **MS. WHALEN:** Oh, I agree with that, but they were all
9 seized and put together by the Government, and they're
10 presenting it now as one document. It's not one document.
11 It's several documents that were --

12 **MS. HOFFMAN:** These were all seized together and
13 presented together.

14 **THE COURT:** As one document?

15 **MS. HOFFMAN:** He identified it as one document.

16 **THE COURT:** I remember you identifying it as one
17 document. She's saying they were not -- they may all have been
18 collected at the same time from the same place, but they were
19 not one document.

20 **MS. HOFFMAN:** They were, actually. When we brought it
21 up to him, we brought up the whole thing. And he identified --

22 **THE COURT:** That's not the question.

23 Ms. Perry?

24 **MS. PERRY:** I'm sorry, Your Honor. The witness, on
25 direct, identified the entire stack of papers as papers he

~~W. BANKS - REDIRECT~~

1 received as a member of the gang from Mr. Bailey.

2 We put it in just as identification. But since the
3 first page was read, I believe that that -- that the exhibit
4 itself has been properly authenticated and that other page --

5 **THE COURT:** Were you planning to offer the rest of it
6 sometime later?

7 **MS. HOFFMAN:** Yes.

8 **THE COURT:** All right. Well, let's wait for that and
9 move on.)

10 (Bench conference concluded.)

11 **BY MS. HOFFMAN:**

12 **Q.** I will move on. But before I do that, let me just ask
13 you: Did Ms. Whalen have you read that entire document?

14 **A.** Yes --

15 **Q.** Did she have you --

16 **A.** -- or almost the whole document, yes.

17 **Q.** Did she have you read all the pages in it?

18 **A.** No.

19 **Q.** Is there more -- are there more pages to that document
20 that you received and read when you came home from prison?

21 **A.** Yes.

22 **Q.** Mr. Sardelli asked you about a proffer -- or, I'm sorry.

23 He asked you about a meeting with law enforcement
24 authorities on January 14th of 2016.

25 Do you remember exactly what you said that day?

~~W. BANKS - REDIRECT~~

1 **A.** Exactly what I said?

2 **Q.** Word for word, all of it.

3 **A.** No, no.

4 **Q.** Would it refresh your recollection to see notes of that
5 meeting?

6 **A.** Yes, it would.

7 **Q.** Do you remember --

8 **MR. SARDELLI:** Objection, Your Honor. The Court --

9 **THE COURT:** These are not -- are these his notes?

10 **MS. HOFFMAN:** No, they're not.

11 **THE COURT:** No.

12 **BY MS. HOFFMAN:**

13 **Q.** Mr. Sardelli asked you about whether you ever told
14 investigators that Dirt sold heroin.

15 Do you remember that?

16 **A.** Yes.

17 **Q.** To the best of your recollection, what did you tell
18 investigators about what Dirt sold?

19 **A.** To the best of my recollection, that he just sold -- he
20 sold crack.

21 **Q.** Mr. Trainor asked you about a controlled purchase of drugs
22 from T-Roy that you conducted.

23 Do you remember that?

24 **A.** Yes.

25 **Q.** At the time that you conducted that controlled purchase,

~~W. BANKS - REDIRECT~~

1 were you also -- were you also conducting or taking part in a
2 consensual wiretap?

3 A. Yes.

4 Q. And can you explain what that means.

5 A. I was given a phone that was tapped.

6 Q. And did you have conversations with other members of the
7 gang --

8 A. Yes.

9 Q. -- using that phone?

10 Did you have conversations with T-Roy?

11 A. Yes.

12 Q. Were there conversations with T-Roy that preceded that
13 controlled buy?

14 A. Yes.

15 Q. And did you have conversations about the transaction?

16 A. I don't remember we had a con -- conversations about the
17 actual transaction.

18 Q. Now, you testified that you were put in a car that was
19 wired up; is that right?

20 A. Yes.

21 Q. Did you set up the camera in that car?

22 A. No.

23 Q. Did you have any idea which way it was facing?

24 A. No.

25 Q. And did you know whether law enforcement officers were

~~W. BANKS - REDIRECT~~

1 following you to that location?

2 **A.** No.

3 **Q.** You testified -- Mr. Trainor asked you about where the
4 controlled purchase took place. And I believe you testified
5 that it took place on Clifton near Lyndhurst; is that right?

6 **A.** I met with him at Lyndhurst.

7 **MR. TRAINOR:** That was not the testimony.

8 **THE COURT:** I'm sorry?

9 **MR. TRAINOR:** I'm objecting because that was not the
10 question or the testimony that was just stated.

11 **THE COURT:** Okay. Well, that's -- I think he's about
12 to explain.

13 **MS. HOFFMAN:** Sure. I'll -- yeah.

14 **BY MS. HOFFMAN:**

15 **Q.** Where --

16 **A.** I met with him at Lyndhurst and followed him around to
17 Clifton and Elsinore, and that's where I made the purchase.

18 **Q.** And you mentioned -- you testified that people had begun
19 selling in a different location because it was getting hot
20 at --

21 **A.** Yes.

22 **Q.** -- 5200.

23 **A.** Yes.

24 **Q.** What does it mean -- what does "getting hot" mean?

25 **A.** A lot of police activity.

~~W. BANKS - REDIRECT~~

1 **Q.** Mr. Banks, the lie that you told about the Mirage
2 shooting, has it impacted your life?

3 **A.** Yes.

4 **MS. WHALEN:** Objection.

5 **THE COURT:** There was a question and there was an
6 answer. I'm sorry. Did I miss something?

7 **MS. WHALEN:** Oh, I did object. I should have stood.

8 **THE COURT:** Oh, okay. Come up to the bench.

9 **MS. WHALEN:** Your Honor, I'll withdraw the objection.
10 How's that? It's late.

11 **THE COURT:** Okay.

12 **BY MS. HOFFMAN:**

13 **Q.** The lie that you told about the Mirage, has it impacted
14 your life?

15 **A.** Yes.

16 **Q.** How has it impacted your life?

17 **MS. WHALEN:** Objection to that.

18 **THE COURT:** Sustained.

19 **BY MS. HOFFMAN:**

20 **Q.** Do you regret telling the lie?

21 **A.** Definitely.

22 **MS. HOFFMAN:** I have no further questions.

23 **THE COURT:** All right.

24 **MS. WHALEN:** Would the Court permit me two questions?

25 **THE COURT:** If they relate to the cross.

RECROSS-EXAMINATION

BY MS. WHALEN:

Q. I won't belabor it, but you just answered that you always told law enforcement about the Nutty B shooting; right?

A. Yes --

Q. And you --

A. -- to the best of my recollection.

Q. Okay. And you also told them that Gutta said that Bangout was not snitching; right?

A. Yes, he did tell me that.

Q. Okay. And that you also told to the law enforcement agents; right?

A. Yeah; that that's what Gutta told me.

Q. Okay. And Tech was actually indicted with you in this case. That's Devon Dent; right?

A. Yes.

Q. Didn't die; right?

A. No.

MS. WHALEN: Thank you, Your Honor.

THE COURT: All right. Thank you very much.

We'll start by excusing the witness.

(Witness excused.)

THE COURT: If I could see counsel briefly on the schedule.

1 (Bench conference on the record:

2 **THE COURT:** So unless there is anything urgent -- I
3 know we had asked people to stay until 6:00. That was because
4 I wanted to make sure that we could finish with Mr. Banks. I
5 think it's been a long day, and my plan would be to adjourn.
6 Okay?

7 **MS. HOFFMAN:** Sounds good.

8 **THE COURT:** And I will tell the jury we're not meeting
9 tomorrow and everybody should be back here at 10:00 on Monday.

10 We can stick around and forecast a little what's
11 coming up next. Okay?

12 **MS. HOFFMAN:** Thank you.)

13 (Bench conference concluded.)

14 **THE COURT:** So, ladies and gentlemen, I had asked you
15 to be prepared until 6:00 today. It was 6:00 yesterday. I did
16 want to be sure that we could finish the testimony of
17 Mr. Banks. Since we have finished, I am not going to ask you
18 to stay until 6 o'clock today. Thank you very much.

19 As I think I told you at the beginning, in general, we
20 will be here in session in court four days a week. You have
21 been here Monday through Thursday. We are not asking you to
22 come in tomorrow.

23 We are, of course, asking you to come back next week.
24 I expect it will be Monday through Thursday of next week.

25 But over the long -- well, the three days, usual

1 instructions, please. Leave your notes here. Keep an open
2 mind. Don't talk about the case.

3 And please come back next week again. I expect it
4 will be Monday through Thursday, but, in any event, Monday,
5 10 o'clock. Monday at 10:00.

6 Thank you very much.

7 (Jury excused at 5:09 p.m.)

8 **THE COURT:** All right. A couple of questions.

9 Counsel, first, if you can just give me your best
10 estimate of what we might be doing Monday.

11 **MS. HOFFMAN:** Your Honor, we do have a bunch of
12 law enforcement witnesses we're planning to call.

13 I don't have the exact lineup right at my fingertips
14 just this moment, but we expect it will be all law enforcement
15 officers. Maybe we might get to a couple Homicide detectives.
16 And we had previously told counsel Jason DiPaola, we think,
17 will be the very next witness.

18 **THE COURT:** Okay. And when you do have that lineup or
19 even if it's not the precise order, when you know who those
20 are, you'll let defense counsel know.

21 Can you anticipate -- and I'm asking both sides in
22 advance -- any particular unresolved motions in limine which
23 may become ready, need to be ruled on on Monday?

24 If you don't think of any now, let me know tomorrow.
25 Just send an e-mail or something if you figure out on either

side that there's some motion in limine that you think needs to be resolved.

MR. SARDELLI: All I would just ask is that burglary pending issue. I don't know if that's any of the law enforcement witnesses for Monday.

THE COURT: Yes. I --

MR. SARDELLI: The burglary issue.

THE COURT: I don't know either. The burglary?

MS. HOFFMAN: No, that won't come up on Monday.

But I did just remember if we do get to the Homicide detectives, which I think we will, then the 9-1-1 calls will be an issue.

THE COURT: 9-1-1 calls. Okay. All right. And I recall the motion on that. Okay.

All right. Anything else? Anything comes up Friday, please feel free to call the office or send me an e-mail, et cetera.

And, otherwise, I will see everybody at 10:00 on Monday.

(Court adjourned at 5:12 p.m.)

INDEX - GOVERNMENT'S EVIDENCE

<u>WITNESS</u>	<u>DR</u>	<u>CR</u>	<u>RDR</u>	<u>RCR</u>
WILLIAM BANKS (Cont from 3/20/19)	3	68, 145, 165 184, 205, 223	228	241

1 I, Douglas J. Zweizig, RDR, CRR, do hereby certify that
2 the foregoing is a correct transcript from the stenographic
3 record of proceedings in the above-entitled matter.

4 _____
5 /s/

6 Douglas J. Zweizig, RDR, CRR, FCRR
7 Registered Diplomat Reporter
8 Certified Realtime Reporter
9 Federal Official Court Reporter
10 DATE: November 13, 2019
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BY MR. DAVIS: [1] 223/2	157/5 157/13 157/21 157/25	\$11,000 [2] 231/9 231/17
BY MR. HAZLEHURST: [9]	162/21 180/10 182/11 186/17	\$300 [1] 212/20
205/18 207/2 207/22 208/3	187/2 187/23 189/24 191/20	\$4,600 [1] 214/22
211/2 216/1 217/17 219/10	193/5 194/16 195/6 198/8	\$500 [2] 181/15 212/7
220/19	200/1 200/9 207/21 207/25	\$600 [1] 177/6
BY MR. SARDELLI: [11] 145/2	215/24 217/13 217/15 219/8	\$7,000 [2] 27/16 114/15
146/10 147/15 149/16 151/24	220/10 220/12 228/12 233/4	'
152/12 153/1 154/9 154/12	234/16 234/19 234/21 235/5	'16 [1] 183/15
158/19 162/23	235/12 235/15 235/20 236/7	'cause [16] 24/13 38/15 86/1
BY MR. TRAINOR: [4] 165/10	237/10 239/13 240/22 242/7	99/3 115/10 118/15 118/19
180/12 180/16 182/14	242/12 243/11 244/9	144/11 152/10 160/21 203/15
BY MS. AMATO: [16] 184/21	MS. PERRY: [2] 64/18 235/24	214/11 223/14 225/4 227/5
186/19 187/12 187/25 188/13	MS. WHALEN: [38] 7/5 7/8	227/22
190/1 191/22 193/6 194/17	25/22 36/15 37/1 66/19 67/14	'em [21] 11/10 15/9 21/8 21/8
195/7 198/12 199/14 200/3	67/24 93/1 94/13 96/5 96/8	43/16 58/20 78/21 87/3 91/13
200/6 200/13 201/11	96/17 96/21 103/7 105/4 106/2	91/19 100/7 115/8 127/14
BY MS. HOFFMAN: [49] 3/14	106/4 108/19 124/9 124/12	141/7 176/19 176/25 180/23
4/16 7/18 12/23 13/7 13/12	124/17 125/3 133/15 134/5	180/24 181/19 192/19 192/21
13/25 14/20 14/24 15/6 15/17	136/25 137/4 141/17 144/20	'hood [1] 232/24
15/22 16/1 16/5 16/14 16/21	234/9 234/25 235/8 240/4	.
17/3 17/7 17/10 17/20 17/24	240/7 240/9 240/17 240/24	.22 [1] 203/18
18/4 18/8 20/13 26/3 27/20	241/19	.22-caliber [1] 203/18
29/8 29/21 36/18 37/4 44/18	THE CLERK: [6] 3/8 64/6	.40 [4] 11/13 107/3 120/16
46/14 46/23 47/11 52/11 65/15	64/10 64/24 65/2 105/2	120/17
66/1 66/21 66/25 67/16 228/14	THE COURT: [162] 3/3 3/10	.40-caliber [1] 120/17
230/1 230/20 233/6 236/11	4/14 7/6 7/16 20/12 25/24	.44 [1] 203/25
237/12 239/14 240/12 240/19	27/19 29/20 36/17 37/2 43/19	.45 [2] 155/23 159/9
BY MS. WHALEN: [24] 68/2	43/25 44/4 44/9 44/14 44/16	/
69/5 79/16 83/9 85/14 89/19	52/10 63/1 63/6 63/9 63/14	/s [1] 245/4
92/16 93/4 94/16 95/3 96/24	63/16 63/18 64/4 64/13 64/25	0
100/19 105/5 105/14 106/6	65/5 65/8 65/11 66/20 67/15	0267 [1] 1/4
108/21 122/23 124/1 125/5	67/22 69/4 79/13 83/7 93/3	1
133/17 134/10 137/5 141/18	94/15 94/24 96/6 96/19 103/5	10 [5] 26/25 93/2 93/6 96/8
241/2	103/8 103/12 103/18 104/1	178/11
MR. DAVIS: [2] 27/17 228/10	104/5 104/11 104/13 104/15	10 o'clock [1] 243/5
MR. HAZLEHURST: [8] 29/7	104/21 104/24 105/3 105/16	101 [1] 1/24
29/19 205/16 206/25 210/23	105/20 105/25 108/20 124/4	103 [1] 34/12
211/1 220/16 222/19	124/8 124/20 124/24 125/2	104 [1] 34/16
MR. SARDELLI: [31] 20/11	125/4 133/11 133/13 134/2	105 [1] 34/20
52/9 104/7 104/12 104/14	134/7 137/3 144/22 146/7	10:00 [1] 243/5
104/20 144/24 147/3 147/10	146/9 146/22 146/24 147/8	10:00 on [2] 242/9 244/18
147/12 149/9 149/13 149/15	147/11 147/13 149/8 149/11	10:03 a.m [1] 3/7
151/7 151/10 151/13 151/15	151/8 151/12 151/14 151/16	10th [5] 60/17 69/2 171/1
151/21 156/16 156/18 156/21	151/22 152/8 152/23 152/25	171/25 172/11
156/24 157/7 157/17 158/1	154/11 156/19 156/23 157/12	11 o'clock [2] 180/20 181/5
158/10 158/17 165/6 237/8	157/19 157/22 158/4 158/13	11/4/14 [1] 93/9
244/3 244/7	162/22 165/8 180/11 180/14	111 [1] 34/23
MR. TRAINOR: [5] 103/17	182/10 182/12 184/6 184/10	112 [1] 35/2
182/13 184/5 239/7 239/9	184/13 184/16 184/18 186/18	114 [1] 35/6
MS. AMATO: [16] 63/17 63/24	187/3 187/6 187/9 187/24	115 [1] 8/24
65/1 184/19 187/4 187/8	188/10 191/21 195/5 198/9	116 [1] 9/2
187/10 188/9 188/12 198/11	199/13 200/5 200/10 205/14	11:09 a.m [1] 44/8
200/2 200/11 201/8 205/12	207/1 207/24 208/1 210/25	11:33 a.m [1] 44/15
229/24 234/15	215/25 217/14 219/9 220/11	11th [3] 106/8 211/11 211/11
MS. HOFFMAN: [98] 4/12 4/15	220/15 220/18 222/22 228/11	12 [1] 13/21
7/14 16/11 43/17 43/21 44/2	229/25 230/18 234/12 234/14	12-gauge [1] 121/16
62/15 62/25 63/2 63/8 63/11	234/18 234/20 235/4 235/14	125 [1] 232/25
63/15 63/21 64/9 64/15 64/22	235/16 235/22 236/5 236/8	12:58 p.m [1] 103/11
65/3 65/7 65/23 66/24 67/21	237/9 237/11 239/8 239/11	12th [8] 124/13 124/21 193/2
69/3 79/12 83/6 85/12 89/18	240/5 240/8 240/11 240/18	193/16 193/20 200/7 200/15
94/23 96/12 96/22 100/18	240/23 240/25 241/20 241/23	201/19
103/24 104/2 104/6 105/13	242/2 242/8 242/14 243/8	13 [3] 49/4 129/5 245/7
105/18 105/21 122/21 123/25	243/18 244/6 244/8 244/13	14 [1] 93/9
124/3 124/6 124/11 124/14	THE MARSHAL: [1] 3/5	14 grams [1] 176/18
124/23 133/10 133/12 134/4	THE WITNESS: [6] 25/25 83/8	
134/8 146/6 146/8 149/7	94/25 137/2 152/9 208/2	
149/14 152/7 152/24 154/8	\$	
	\$10,000 [1] 230/23	

<p>1</p> <p>145 [1] 244/23</p> <p>14th [8] 76/20 78/14 151/3</p> <p>151/25 168/16 168/22 213/17</p> <p>236/24</p> <p>15 [10] 28/24 29/2 30/8 71/2</p> <p>71/5 72/17 72/20 178/11</p> <p>211/13 223/3</p> <p>15th [2] 211/22 219/16</p> <p>16 [3] 70/24 73/5 73/6</p> <p>165 [1] 244/23</p> <p>16th [1] 124/12</p> <p>17th [1] 221/16</p> <p>18 [4] 73/13 109/18 109/23</p> <p>110/23</p> <p>184 [1] 244/23</p> <p>19 [1] 244/23</p> <p>19th [4] 69/7 69/11 69/13</p> <p>69/15</p> <p>1A [4] 1/9 47/24 206/24</p> <p>207/12</p> <p>1B [3] 48/2 211/4 213/20</p> <p>1C [3] 48/5 211/17 213/23</p> <p>1D [2] 212/1 214/1</p> <p>1E [2] 212/14 214/3</p> <p>1F [1] 212/22</p> <p>1G [1] 213/5</p> <p>1H [1] 213/13</p> <p>1st [3] 194/8 212/10 212/11</p>	<p>180/19 193/2 193/16 193/20</p> <p>194/8 200/4 200/7 200/10</p> <p>200/15 201/19 201/25 210/12</p> <p>216/10 219/16 223/9 225/23</p> <p>226/10 228/24 231/15 232/4</p> <p>236/24</p> <p>2017 [3] 85/10 221/16 226/15</p> <p>2018 [3] 157/4 157/11 158/11</p> <p>2019 [3] 1/8 72/2 245/7</p> <p>205 [1] 244/23</p> <p>20s [1] 70/15</p> <p>21 [1] 1/8</p> <p>211 [1] 62/16</p> <p>21201 [1] 1/25</p> <p>22 [5] 14/5 25/2 201/7 201/9</p> <p>233/4</p> <p>223 [1] 244/23</p> <p>228 [1] 244/23</p> <p>22nd [2] 44/20 112/25</p> <p>23 [5] 70/18 70/19 70/24</p> <p>73/17 81/1</p> <p>24 [1] 207/9</p> <p>24 minutes [1] 12/20</p> <p>241 [1] 244/23</p> <p>24th [1] 25/17</p> <p>25th [1] 71/5</p> <p>26 [1] 33/3</p> <p>26th [14] 48/20 58/13 59/10</p> <p>68/20 69/17 71/6 72/2 95/5</p> <p>100/24 183/15 198/4 209/20</p> <p>216/10 222/11</p> <p>27 [2] 20/17 68/25</p> <p>27th [1] 71/6</p> <p>28 [4] 68/23 68/24 70/13</p> <p>70/19</p> <p>28th [3] 178/1 179/19 180/19</p> <p>29 [3] 14/17 68/17 68/18</p> <p>29th [1] 201/25</p> <p>2:07 p.m [1] 105/1</p> <p>2A [1] 133/8</p> <p>2nd [1] 212/18</p>	<p>5200 [25] 163/19 163/21</p> <p>163/22 163/22 163/23 163/24</p> <p>163/25 164/5 164/16 165/19</p> <p>165/21 166/5 166/8 166/10</p> <p>170/7 170/10 170/13 195/11</p> <p>223/4 223/19 223/24 223/25</p> <p>224/8 224/18 239/22</p> <p>5200 block [1] 27/7</p> <p>5200 boy [8] 11/21 27/5 28/14</p> <p>29/14 61/11 170/17 224/5</p> <p>225/2</p> <p>5200 boys [2] 170/19 224/2</p> <p>5200 homies [1] 49/15</p> <p>5200s [1] 163/20</p> <p>54 [1] 60/24</p> <p>55 [1] 11/22</p> <p>56 [1] 32/15</p> <p>58 [1] 42/16</p> <p>5:00 [1] 104/3</p> <p>5:09 p.m [1] 243/7</p> <p>5:12 p.m [1] 244/20</p> <p>5K [4] 145/20 146/2 146/11</p> <p>147/6</p> <p>5K1.1 [1] 146/25</p> <p>5th [1] 213/1</p>
<p>2</p> <p>2 feet [2] 155/5 155/6</p> <p>2 o'clock [1] 104/22</p> <p>2-year-old [2] 76/21 106/17</p> <p>2/8/2015 [1] 13/5</p> <p>20 [11] 17/8 18/5 50/25 98/12</p> <p>98/13 109/14 110/4 110/23</p> <p>111/21 183/24 198/4</p> <p>20-gauge [1] 203/23</p> <p>2005 [1] 166/20</p> <p>2012 [15] 75/17 75/18 75/25</p> <p>76/13 80/16 136/22 154/13</p> <p>160/15 168/16 168/22 189/6</p> <p>192/1 224/13 227/1 227/2</p> <p>2013 [7] 75/19 76/15 76/20</p> <p>148/11 197/25 198/4 228/18</p> <p>2014 [13] 70/25 79/9 87/25</p> <p>88/2 88/14 88/17 106/8 199/12</p> <p>199/13 199/16 202/25 225/25</p> <p>231/15</p> <p>2015 [38] 8/3 13/5 28/1 28/25</p> <p>31/11 33/18 36/2 37/12 39/9</p> <p>39/16 39/21 39/25 40/4 40/10</p> <p>44/19 88/21 112/14 112/15</p> <p>113/1 132/22 148/13 149/4</p> <p>189/9 189/10 198/14 198/25</p> <p>199/10 199/11 206/2 206/9</p> <p>210/14 214/25 215/3 215/14</p> <p>222/2 223/5 223/11 224/19</p> <p>2016 [58] 3/16 4/18 44/21</p> <p>48/20 58/10 58/13 59/10 60/17</p> <p>68/20 69/2 69/7 69/11 69/15</p> <p>72/2 85/17 116/10 119/16</p> <p>122/24 123/21 124/13 137/15</p> <p>141/5 148/13 150/18 151/3</p> <p>151/25 157/10 158/2 158/11</p> <p>160/17 160/21 171/1 171/22</p> <p>171/25 172/11 178/1 179/19</p>	<p>3</p> <p>3/20/19 [1] 244/23</p> <p>30 [4] 110/3 110/15 110/20</p> <p>110/22</p> <p>300 [1] 211/24</p> <p>30th [3] 28/25 206/2 206/9</p> <p>3553 [4] 145/20 146/3 146/11</p> <p>146/25</p> <p>38 [1] 14/16</p> <p>3:41 p.m [1] 184/9</p> <p>4</p> <p>4 G Liquor [1] 178/22</p> <p>4 G Liquors [1] 50/14</p> <p>40 [2] 66/8 142/5</p> <p>44 [1] 59/21</p> <p>45 [1] 51/5</p> <p>4:04 p.m [1] 184/17</p> <p>4th [3] 1/24 97/22 202/25</p> <p>5</p> <p>5 feet [2] 56/10 181/2</p> <p>5 grams [1] 204/7</p> <p>50 [5] 61/7 163/5 163/16</p> <p>163/20 164/4</p> <p>500 [2] 211/15 212/6</p> <p>51 [2] 30/10 37/20</p>	<p>6</p> <p>6 feet [1] 56/10</p> <p>6 o'clock [1] 242/18</p> <p>6'3 [1] 13/23</p> <p>60 [1] 220/5</p> <p>60 grams [3] 162/10 162/12</p> <p>162/13</p> <p>65 [1] 62/14</p> <p>67 [2] 29/10 33/12</p> <p>68 [1] 244/23</p> <p>6:00 [2] 104/3 242/3</p> <p>6:00 regardless [1] 104/4</p> <p>6:00 today [1] 242/15</p> <p>6:00 yesterday [1] 242/15</p> <p>7</p> <p>7 grams [1] 204/10</p> <p>70 [1] 32/21</p> <p>75 [1] 49/17</p> <p>79 [1] 66/3</p> <p>8</p> <p>8 seconds [1] 12/20</p> <p>8/17/2015 [1] 39/16</p> <p>8/24/2015 [1] 39/21</p> <p>8/25/2015 [1] 39/25</p> <p>8/9/2015 [1] 39/9</p> <p>80 [1] 22/25</p> <p>800 [5] 48/18 117/17 117/23</p> <p>118/8 118/24</p> <p>81 [1] 26/6</p> <p>84 [1] 66/14</p> <p>89 [1] 34/5</p> <p>8th [2] 8/3 119/16</p> <p>9</p> <p>9-1-1 [2] 244/11 244/13</p> <p>9-millimeter [1] 121/4</p> <p>9/18/2015 [1] 40/4</p> <p>9/19/2015 [1] 40/10</p> <p>90 [2] 33/1 33/7</p> <p>92 [1] 11/17</p> <p>94 [2] 9/22 35/18</p>

<p>9 9:59 a.m [1] 3/2 9th [1] 213/9 : : You [3] 208/15 209/4 209/8 A a.m [4] 3/2 3/7 44/8 44/15 Aanonsen [2] 2/15 221/16 abide [1] 107/9 ability [1] 135/7 able [6] 14/10 68/14 91/3 113/18 168/7 183/3 about [271] above [4] 120/19 209/16 233/10 245/3 above-entitled [1] 245/3 absolutely [1] 69/6 abuse [2] 157/2 157/4 abuser [1] 147/16 accessory [2] 58/8 139/24 accomplish [1] 233/19 according [6] 149/4 164/21 196/16 197/4 197/17 213/23 account [8] 25/8 33/14 34/13 34/17 34/21 34/24 201/23 233/2 accumulated [1] 181/17 acknowledge [1] 143/1 acquire [1] 226/24 across [2] 11/10 23/14 act [2] 183/3 183/5 acting [7] 81/24 93/24 128/12 128/18 183/13 214/18 218/2 action [1] 94/4 active [2] 167/2 167/4 activities [6] 108/11 108/11 109/9 109/11 200/22 209/9 activity [6] 163/11 214/19 215/6 215/10 225/24 239/25 actors [1] 128/14 acts [2] 200/24 209/5 actual [14] 18/6 26/22 30/16 88/6 99/2 105/24 106/9 128/4 129/19 156/4 156/5 183/11 203/15 238/17 actually [61] 13/9 20/9 24/7 26/18 30/21 33/2 38/14 45/23 48/25 67/5 74/17 75/2 75/25 76/15 78/3 78/25 79/23 80/13 81/16 91/8 99/15 100/16 101/14 102/11 102/12 106/9 117/1 118/15 119/17 119/23 125/24 127/14 127/19 128/2 128/14 128/17 129/16 130/22 131/8 138/14 142/1 147/8 148/3 148/3 155/2 159/6 159/14 164/23 181/17 181/19 185/16 185/21 188/21 198/6 210/17 210/18 229/6 229/22 231/4 235/20 241/14 add [1] 72/16 additional [2] 75/11 98/6 address [1] 203/15 adjourn [1] 242/5 adjourned [1] 244/20 admit [11] 6/15 6/18 6/21</p>	<p>59/2 59/4 59/6 142/15 142/18 143/2 148/6 182/15 admitted [9] 96/12 96/15 107/1 107/3 186/6 186/7 186/24 217/5 234/14 adult [3] 72/14 72/14 73/10 adults [2] 129/7 129/7 advance [2] 200/24 243/22 affect [1] 152/18 affiliation [2] 167/7 167/21 afield [1] 158/15 after [52] 6/6 7/3 12/3 12/3 12/11 18/10 18/10 20/7 22/10 22/18 22/18 28/8 30/19 30/19 31/7 40/14 41/16 42/8 48/9 49/24 61/4 67/17 67/19 72/23 80/13 85/2 92/5 92/8 93/17 97/21 97/24 99/7 99/21 100/15 119/15 125/18 128/7 132/3 140/7 141/8 145/14 158/2 159/16 159/20 161/6 221/15 223/13 223/13 225/8 226/15 226/16 233/15 afternoon [10] 68/3 145/3 145/4 165/11 184/7 184/13 184/22 184/23 205/19 205/20 afterward [3] 31/6 43/10 220/20 afterwards [2] 23/10 219/25 again [41] 7/19 15/10 16/7 31/10 40/5 47/9 53/17 64/24 66/15 70/25 71/8 71/23 75/15 88/16 88/21 94/13 110/7 110/8 112/14 116/18 129/7 132/21 155/21 156/11 163/13 165/12 181/8 185/4 186/23 194/7 194/9 197/11 197/20 199/9 200/14 201/18 213/20 214/25 217/1 222/10 243/3 against [4] 84/16 140/4 169/22 216/3 age [3] 70/19 73/17 81/1 agency [3] 58/19 133/1 199/22 agent [32] 2/15 53/2 81/24 89/6 101/19 115/17 115/19 115/21 115/22 117/1 118/19 119/13 119/17 122/3 138/11 138/14 139/6 139/18 140/17 140/24 141/4 141/9 176/2 179/22 179/24 180/13 180/17 180/21 219/3 219/5 221/16 222/12 Agent Aanonsen [1] 221/16 Agent Bradley [1] 140/24 Agent Bradley Hood [2] 117/1 119/17 Agent Hood [12] 89/6 122/3 138/11 138/14 139/6 139/18 140/17 141/9 179/24 180/13 180/17 180/21 Agent Moore [3] 219/3 219/5 222/12 agents [20] 48/11 59/8 85/17 100/21 111/8 119/3 119/4 122/17 123/2 123/3 123/13 125/7 125/12 148/3 158/14 176/9 176/14 218/1 225/11 241/12 ago [10] 9/18 19/25 26/9 36/1</p>	<p>40/13 67/1 72/22 79/8 91/11 92/14 agree [5] 5/13 140/15 140/25 179/17 235/8 agreed [6] 98/18 98/21 98/24 106/13 108/15 111/24 agreement [40] 7/20 7/23 98/15 98/18 99/2 105/7 105/23 106/7 106/10 106/13 107/8 107/20 108/1 110/2 110/18 110/21 111/1 111/17 111/19 111/23 112/4 112/6 142/12 143/17 198/1 198/6 198/14 199/25 200/8 200/14 200/15 201/12 201/15 201/18 208/10 226/1 226/4 226/5 226/14 226/15 ahead [2] 64/13 220/18 aim [1] 227/22 ain't [1] 142/6 air [2] 58/17 142/22 airing [1] 144/4 al [1] 1/5 all [280] allegiance [1] 167/1 alliance [5] 31/16 31/20 31/23 32/20 130/18 allowed [1] 158/1 allows [1] 143/18 almost [3] 155/7 164/9 236/16 alone [1] 137/16 along [3] 69/23 77/9 138/16 already [20] 6/24 6/25 93/5 93/18 108/17 118/22 129/1 131/25 135/11 152/22 167/22 185/2 185/6 186/24 201/6 202/11 215/9 218/19 218/21 227/13 also [54] 2/14 5/2 6/18 20/24 21/8 34/6 34/16 34/20 34/23 36/19 38/22 58/19 64/5 70/6 76/9 76/16 80/19 90/14 94/6 95/15 95/19 107/3 113/16 119/1 119/1 130/13 135/21 135/23 138/18 138/21 140/16 144/1 144/13 145/15 145/16 147/16 149/17 170/17 171/10 186/20 197/8 204/2 208/11 209/6 223/8 227/18 229/17 231/13 232/3 232/11 238/1 238/1 241/8 241/11 altercation [5] 8/11 8/11 9/19 10/4 10/6 altogether [1] 231/10 always [9] 43/16 95/11 110/23 130/6 143/11 162/16 214/8 232/6 241/3 am [15] 133/19 134/13 149/18 159/17 159/20 160/20 163/6 163/13 163/18 165/24 173/5 185/2 187/8 187/8 242/17 Amato [3] 2/4 184/18 184/24 AMERICA [1] 1/3 ammunition [3] 5/2 5/4 204/3 amount [4] 48/17 117/24 118/25 206/19 Anderson [3] 2/3 184/25 193/21 angle [4] 16/6 16/12 17/18</p>
---	---	--

<p>A</p> <p>angle... [1] 18/2</p> <p>another [19] 19/14 34/12 45/22 52/6 58/18 65/24 67/3 75/9 75/10 77/2 77/23 97/25 135/15 137/3 157/19 161/6 167/1 179/15 234/5</p> <p>answer [4] 63/18 108/5 220/7 240/6</p> <p>answered [9] 25/22 107/22 25/7 162/21 187/2 198/8 220/21 220/25 241/3</p> <p>answers [1] 225/21</p> <p>anticipate [1] 243/21</p> <p>anticipating [1] 95/15</p> <p>Antoine [2] 196/2 196/9</p> <p>Antoine Ellis [2] 196/2 196/9</p> <p>any [57] 15/2 26/22 32/5 45/8 45/8 47/19 52/14 52/14 56/20 58/22 74/7 77/19 80/24 87/4 90/20 95/2 95/8 100/2 102/2 102/4 114/7 116/24 121/15 124/7 135/20 136/21 136/21 141/14 147/6 149/1 154/19 161/16 162/14 165/14 175/17 176/9 183/13 189/15 189/22 190/16 190/24 191/14 200/22 200/25 206/13 213/20 213/23 216/2 221/4 223/15 226/23 228/11 238/23 243/4 243/22 243/24 244/4</p> <p>anybody [7] 55/3 55/17 57/4 124/20 168/3 190/25 197/14</p> <p>anymore [3] 38/1 203/11 217/2</p> <p>anyone [16] 5/24 11/14 13/1 20/21 26/12 26/19 29/18 29/22 42/14 45/18 49/11 54/21 88/11 114/19 190/20 206/17</p> <p>anything [42] 23/12 28/20 31/1 31/6 35/24 42/5 45/2 52/12 53/12 55/4 55/22 58/16 61/17 64/4 69/23 83/8 86/17 86/17 86/22 108/6 114/1 115/13 121/7 126/14 139/19 140/13 153/3 153/5 153/8 153/11 154/21 168/1 188/22 215/14 218/22 221/20 227/20 229/14 230/11 242/2 244/15 244/15</p> <p>anyway [2] 158/15 167/22</p> <p>anywhere [5] 15/9 169/17 169/18 207/23 211/8</p> <p>apartments [1] 179/5</p> <p>apologies [1] 234/6</p> <p>apologize [5] 62/22 69/14 85/15 217/18 231/8</p> <p>apparently [2] 134/5 208/7</p> <p>appear [2] 34/10 157/20</p> <p>appeared [3] 175/8 219/15 219/18</p> <p>appears [2] 157/1 157/3</p> <p>applicable [1] 147/1</p> <p>approach [16] 4/1 43/17 43/18 63/8 93/1 93/2 94/13 96/5 108/19 110/7 124/4 151/7 155/9 156/18 206/25 210/23</p> <p>approached [1] 155/11</p> <p>appropriate [1] 151/16</p>	<p>approximately [4] 14/11 163/5 204/7 204/10</p> <p>April [16] 48/20 58/9 95/5 119/16 122/24 137/15 141/5 141/14 178/1 179/19 180/19 198/4 198/4 198/17 202/13 209/20</p> <p>April 26th [4] 48/20 95/5 198/4 209/20</p> <p>April 28th [3] 178/1 179/19 180/19</p> <p>April 8th [1] 119/16</p> <p>AR [6] 28/22 28/23 28/24 29/2 30/8 31/2</p> <p>AR-15 [3] 28/24 29/2 30/8</p> <p>are [91] 4/4 4/9 6/23 11/1 11/6 12/14 12/24 13/22 14/8 19/22 23/17 25/11 30/7 31/21 33/4 33/15 34/14 34/18 34/25 35/3 35/7 45/3 45/6 46/19 46/19 47/25 49/20 52/14 63/20 64/6 65/3 65/11 66/9 68/6 68/16 70/13 72/18 82/14 84/19 85/7 87/7 87/11 95/10 95/15 99/18 103/14 103/21 104/2 104/3 104/3 104/16 111/20 116/5 120/13 121/17 122/3 131/14 132/24 135/4 140/21 140/24 142/9 146/5 150/11 155/12 157/13 158/15 158/23 159/22 160/13 164/21 170/5 170/19 170/20 179/5 179/15 180/8 180/19 190/9 193/19 208/15 208/19 208/19 208/22 224/5 236/19 237/9 237/9 242/21 242/23 243/20</p> <p>area [20] 12/24 14/13 48/22 49/9 52/3 55/12 55/13 56/5 56/11 79/23 113/7 126/2 126/4 126/16 162/9 165/25 173/23 178/10 224/8 224/18</p> <p>areas [5] 59/19 163/5 164/17 164/19 164/21</p> <p>aren't [1] 163/17</p> <p>argument [1] 9/9</p> <p>arm [1] 140/23</p> <p>Armour [3] 95/16 202/22 203/5</p> <p>around [43] 14/14 29/1 31/12 33/19 48/21 55/7 55/15 56/1 60/18 61/19 114/15 119/3 119/4 123/4 125/25 126/2 126/16 138/22 139/1 139/7 139/11 141/7 160/22 160/23 163/6 168/10 168/11 171/17 173/21 173/21 173/23 174/1 178/14 178/16 183/5 193/24 223/24 224/7 224/8 224/16 224/23 239/16 242/10</p> <p>arrange [1] 45/11</p> <p>arrangement [1] 226/17</p> <p>arrest [15] 3/16 4/18 28/7 68/19 84/13 84/14 95/12 97/10 153/8 153/11 167/8 226/11 226/16 231/14 231/15</p> <p>arrested [44] 5/9 5/11 38/12 58/10 58/14 58/15 58/24 67/19 69/17 70/13 72/1 72/23 75/20 75/21 75/25 76/15 76/16 76/18 76/22 76/23 76/24 76/24 78/10</p>	<p>78/15 83/13 90/5 90/8 100/20 115/13 115/14 115/15 115/15 115/16 171/21 183/15 203/12 216/6 216/9 216/17 222/10 225/23 226/10 229/6 229/11</p> <p>arrests [7] 96/1 97/1 97/3 97/8 97/16 98/25 230/4</p> <p>arrived [1] 30/20</p> <p>artist [1] 182/19</p> <p>as [157] 6/15 7/21 23/22 25/3 27/10 32/12 32/12 32/13 33/13 34/6 35/16 35/16 35/22 35/22 42/15 44/22 44/25 45/3 45/25 52/24 57/10 58/8 62/12 65/11 70/1 72/14 72/14 73/25 81/21 81/23 84/24 84/24 91/23 93/5 96/9 96/16 99/4 99/4 99/16 99/18 104/18 105/11 105/24 107/14 108/13 108/17 110/5 113/16 113/18 113/18 115/12 115/25 115/25 116/4 116/4 116/19 117/8 117/9 117/13 120/4 122/2 123/4 123/19 127/15 127/23 128/21 130/25 133/2 133/2 133/7 133/7 133/16 137/2 137/7 141/7 143/6 143/15 149/22 149/23 153/13 153/14 153/22 155/14 155/14 155/15 157/16 159/1 159/1 159/19 159/19 161/13 164/17 165/3 169/8 169/25 171/5 171/11 172/3 173/2 176/6 176/6 182/3 182/18 182/18 184/25 186/23 190/4 190/4 191/3 192/3 193/11 195/1 195/12 198/18 200/17 200/22 201/6 205/3 206/20 206/23 207/3 207/7 207/11 210/8 211/3 211/16 211/25 212/14 212/21 213/4 213/12 214/18 214/18 214/19 215/1 215/1 215/15 215/15 216/2 218/2 220/4 221/4 223/14 224/2 225/2 230/2 230/22 233/1 233/23 235/10 235/14 235/15 235/16 235/25 236/1 236/2 242/19</p> <p>Asia [3] 135/23 135/24 136/9</p> <p>ask [34] 3/16 7/1 7/14 20/7 27/22 37/14 38/15 46/7 57/22 64/24 84/3 103/14 103/24 105/22 108/25 110/7 125/17 126/13 126/15 133/8 146/9 157/14 158/1 171/1 190/2 205/25 207/19 208/25 211/4 213/20 223/25 236/12 242/17 244/3</p> <p>asked [55] 8/14 10/23 17/4 24/16 25/22 28/8 35/24 38/3 44/25 45/14 72/13 83/12 88/21 98/1 98/22 98/25 101/5 124/9 126/17 133/18 141/9 148/3 152/7 154/1 158/13 162/21 186/20 187/2 193/13 194/7 194/14 194/18 196/4 198/8 202/11 203/12 227/19 228/23 228/24 229/2 229/17 230/8 230/21 231/20 232/5 232/15 233/14 233/25 236/22 236/23</p>
--	--	---

<p>A</p> <p>asked... [5] 237/13 237/21 239/3 242/3 242/14</p> <p>asking [10] 10/19 89/24 90/2 101/17 104/15 156/7 188/9 242/21 242/23 243/21</p> <p>assault [1] 28/24</p> <p>assault rifle [1] 28/24</p> <p>assist [3] 95/1 143/13 201/8</p> <p>assistance [1] 102/13</p> <p>Assistant [2] 1/16 81/12</p> <p>associate [1] 173/12</p> <p>associated [2] 98/9 194/24</p> <p>association [1] 225/5</p> <p>assume [4] 104/16 125/14 143/19 198/9</p> <p>assumed [2] 56/15 90/24</p> <p>ATF [37] 2/15 4/19 5/13 44/22 44/25 53/2 59/8 89/6 101/19 116/14 116/16 117/22 121/20 121/25 122/2 122/17 122/24 137/16 147/25 171/3 171/7 172/8 173/5 176/6 180/23 181/11 193/12 199/25 200/15 200/22 200/23 202/11 210/9 216/14 218/2 231/6 231/7</p> <p>Atlanta [2] 21/9 21/10</p> <p>attempt [3] 64/19 149/2 228/16</p> <p>attempted [7] 6/16 6/18 30/14 106/14 106/20 110/14 142/15</p> <p>attention [7] 8/2 17/11 18/9 28/25 48/20 60/17 109/2</p> <p>attorney [11] 68/6 68/9 70/8 81/7 81/12 84/6 87/21 123/19 185/2 203/1 207/4</p> <p>Attorney's [1] 122/18</p> <p>attorneys [3] 1/16 165/14 182/7</p> <p>audio [9] 46/10 62/23 63/7 65/3 65/12 65/14 65/25 79/17 190/4</p> <p>August [23] 3/16 4/18 58/13 59/10 60/17 68/20 69/2 69/7 69/11 69/13 69/15 69/17 72/2 100/24 171/21 183/15 211/11 216/10 222/11 222/11 225/23 231/14 231/15</p> <p>August 10th [2] 60/17 69/2</p> <p>August 11th [1] 211/11</p> <p>August 19th [4] 69/7 69/11 69/13 69/15</p> <p>August 26th [9] 58/13 59/10 68/20 69/17 72/2 100/24 183/15 216/10 222/11</p> <p>authenticated [1] 236/4</p> <p>author [1] 151/19</p> <p>authorities [11] 83/17 83/23 85/8 100/20 100/21 107/17 216/9 222/10 226/17 227/15 236/24</p> <p>authorizes [1] 200/24</p> <p>Avenue [10] 21/25 126/6 126/21 127/13 127/17 128/7 178/24 192/23 206/6 206/11</p> <p>avoid [1] 168/7</p> <p>aware [5] 64/10 116/5 145/15 158/23 198/18</p>	<p>away [10] 22/19 56/7 135/21 135/23 136/3 136/5 136/16 138/2 155/4 181/2</p> <p>B</p> <p>B's [7] 38/9 38/11 41/8 41/9 41/11 41/13 41/14</p> <p>B-O [1] 195/16</p> <p>baby [1] 135/25</p> <p>back [87] 3/11 3/18 10/15 14/14 14/15 14/17 18/13 19/25 26/15 26/19 31/8 37/20 38/6 38/8 43/8 47/9 48/10 56/18 56/24 57/5 57/5 57/6 58/22 63/11 63/12 70/12 71/13 71/23 71/24 71/25 72/1 75/10 80/1 80/16 80/25 82/12 87/10 88/4 90/12 90/12 95/5 111/11 112/14 119/6 119/15 124/17 127/7 131/23 134/20 134/20 134/21 137/19 138/4 138/4 138/6 141/5 144/11 150/16 150/18 151/3 151/25 152/13 154/13 154/13 156/5 159/5 171/25 172/22 176/1 176/13 176/14 178/8 179/24 180/13 180/14 185/22 185/22 189/6 189/10 199/2 199/23 202/25 222/2 227/3 242/9 242/23 243/3</p> <p>background [1] 67/8</p> <p>backseat [1] 56/1</p> <p>backslid [1] 201/5</p> <p>backstory [1] 46/1</p> <p>backup [5] 74/22 74/25 75/2 98/9 98/11</p> <p>bad [8] 63/12 64/15 64/16 72/2 84/19 93/13 216/12 222/11</p> <p>bag [2] 204/10 204/12</p> <p>bags [1] 204/7</p> <p>bail [2] 46/2 75/25</p> <p>BAILEY [10] 1/5 1/17 33/14 39/7 39/23 40/12 225/5 233/2 233/24 236/1</p> <p>Bailey's [1] 125/8</p> <p>ball [3] 45/15 47/3 48/8</p> <p>ballistic [2] 187/16 188/1</p> <p>ballistics [1] 187/16</p> <p>Baltimore [40] 1/9 1/25 23/22 36/4 36/6 37/6 39/2 61/25 81/21 87/11 87/13 88/2 88/6 89/6 89/15 91/5 92/9 99/23 101/24 102/4 114/12 114/19 121/22 131/23 132/17 150/18 151/4 152/1 152/13 181/11 208/15 210/6 210/9 210/15 215/13 215/17 215/19 217/23 222/2 224/24</p> <p>Baltimore City [11] 88/6 92/9 101/24 102/4 114/19 121/22 181/11 210/6 210/15 215/13 217/23</p> <p>Baltimore City Police [14] 81/21 87/11 87/13 88/2 89/6 89/15 91/5 99/23 131/23 132/17 210/9 215/17 215/19 222/2</p> <p>Baltimore County [4] 36/4</p>	<p>36/6 37/6 39/2</p> <p>Baltimore Police [1] 114/12</p> <p>bandana [1] 90/14</p> <p>Bandi [2] 50/22 51/7</p> <p>Bangout [47] 4/6 20/6 20/8 20/14 20/19 20/25 21/6 21/8 21/9 21/14 21/16 21/19 22/18 23/6 23/17 23/19 23/25 24/7 24/9 25/19 25/21 26/10 88/15 88/18 88/24 91/8 91/10 91/13 91/14 92/2 92/4 100/7 125/25 129/15 130/2 130/5 130/8 130/9 131/8 131/16 185/9 228/21 229/4 229/18 232/11 232/12 241/8</p> <p>Bangout's [6] 20/16 20/20 23/10 23/21 89/7 131/24</p> <p>bank [1] 50/20</p> <p>Banks [38] 2/1 3/8 3/9 3/15 6/23 7/19 39/11 44/19 64/7 66/2 68/3 104/9 105/2 105/6 145/5 145/9 150/23 158/23 159/2 159/22 162/15 162/17 162/18 162/20 163/24 163/25 164/19 165/11 184/22 205/19 207/7 211/3 223/3 228/15 240/1 242/4 242/17 244/23</p> <p>barely [1] 201/19</p> <p>based [7] 17/15 149/9 183/18 192/18 192/18 192/19 198/19</p> <p>basically [39] 6/24 8/10 9/11 24/17 24/23 25/25 31/16 31/24 32/5 32/12 37/24 37/25 38/5 38/12 41/22 45/25 49/12 54/23 55/2 58/16 61/24 73/24 74/9 74/13 77/14 82/8 82/14 83/22 92/22 94/2 98/24 101/13 148/12 151/17 200/17 202/7 202/12 202/16 218/11</p> <p>basing [1] 154/6</p> <p>basis [10] 27/18 36/15 79/13 124/6 124/10 164/10 189/24 217/14 217/15 223/15</p> <p>BB [2] 72/17 72/19</p> <p>BB gun [2] 72/17 72/19</p> <p>be [134] 7/20 7/20 7/24 9/8 14/10 14/21 21/5 26/4 30/16 33/25 34/1 34/4 34/10 38/13 38/16 40/14 43/14 43/21 44/5 48/17 48/18 48/18 52/1 52/4 52/15 55/5 57/17 58/21 61/18 62/22 63/4 64/1 64/21 64/25 70/1 74/1 75/8 79/17 80/6 80/25 81/23 82/17 83/13 83/14 84/24 85/4 86/7 86/8 86/17 87/10 87/15 90/25 91/2 91/3 93/20 95/13 96/1 97/5 97/12 99/8 107/14 111/5 114/17 114/17 114/22 115/14 117/1 117/11 119/14 119/18 119/20 121/20 123/22 127/25 132/7 133/16 133/21 134/1 134/16 134/17 134/24 135/2 142/22 143/13 145/18 145/19 145/25 149/12 152/14 152/15 157/20 163/5 163/21 168/12 170/14 171/17 177/12 180/21 181/2 182/19 184/6 185/3 193/23 195/3 202/17 205/24 206/8</p>
--	--	--

B		beginning [4] 134/16 142/2		31/18 32/3 32/11 32/11 32/12	
be... [27] 209/23 214/5		148/13 242/19		32/25 33/11	
215/21 215/22 215/22 219/5		begun [1] 239/18		Black Blood Alliance [1]	
219/12 219/13 220/13 224/24		behind [3] 9/4 38/2 54/10		32/20	
228/9 230/8 230/10 232/7		being [32] 20/14 58/7 58/8		Black Blood Brotherhood [4]	
242/5 242/9 242/15 242/16		62/5 73/25 79/17 85/3 85/3		31/16 130/19 130/20 130/21	
242/20 242/24 243/4 243/10		91/24 98/7 108/13 108/14		Black Brotherhood Alliance [1]	
243/14 243/17 243/23 244/2		119/8 130/10 131/14 133/18		130/18	
244/11		144/4 163/25 166/8 166/8		Black Guerilla Family [1]	
beat [1] 130/15		166/16 179/22 189/16 189/22		31/22	
beautiful [1] 95/14		190/24 192/3 193/7 206/1		BLAKE [3] 1/11 59/18 142/10	
because [53] 6/24 13/10 30/24		223/13 223/24 226/10 226/11		Blizz [7] 65/18 65/20 65/21	
34/3 37/8 53/12 57/16 58/7		belabor [1] 241/3		66/5 66/10 67/2 67/10	
62/1 64/10 71/8 71/11 72/5		believe [44] 3/15 4/19 4/22		block [6] 27/7 138/2 161/24	
72/16 73/12 74/9 82/17 83/12		6/12 7/4 7/9 7/10 9/25 11/25		178/24 179/10 225/1	
84/11 89/14 93/15 93/17 99/6		14/10 19/25 23/7 27/4 27/9		blocks [1] 138/2	
113/9 115/13 117/25 119/23		43/7 51/12 59/12 61/10 85/1		blood [18] 31/13 31/15 31/16	
125/14 129/8 132/25 135/2		93/15 112/15 112/25 113/7		31/18 32/3 32/11 32/11 32/12	
135/5 135/25 136/3 138/11		122/3 124/19 130/14 130/18		32/20 32/25 33/11 130/19	
140/19 147/4 166/10 167/24		133/4 134/4 135/10 139/6		130/20 130/21 145/11 167/1	
168/1 170/14 174/21 185/13		139/18 141/19 143/25 144/1		167/5 170/15	
188/10 193/10 202/15 203/10		157/11 228/17 229/2 230/22		Bloods [3] 166/9 166/16 167/7	
214/10 218/1 220/24 239/9		231/4 231/8 231/25 236/3		blue [8] 8/23 9/1 11/10 54/4	
239/19 242/3		239/4		120/1 137/9 138/22 192/3	
become [5] 48/21 134/22 209/7		believed [4] 52/6 112/10		Blue Fountains [1] 11/10	
209/8 243/23		231/6 232/19		blurry [2] 13/3 137/11	
becomes [1] 151/19		bell [1] 69/7		Bo [23] 22/3 35/1 35/4 35/8	
beef [1] 32/8		belonging [2] 33/14 233/2		184/25 189/21 189/23 190/20	
beefing [1] 31/25		below [1] 147/1		191/8 191/19 191/25 194/1	
been [81] 20/8 20/10 22/20		bench [31] 7/6 7/7 7/17 43/20		194/21 194/24 195/9 195/12	
30/14 37/7 37/16 42/10 44/19		44/3 63/10 65/10 96/7 96/23		195/15 195/16 195/20 196/17	
57/11 57/23 59/10 59/13 63/24		105/16 105/17 106/3 124/4		197/9 197/12 197/17	
74/10 78/21 93/5 94/6 102/17		124/5 125/1 146/22 146/23		body [1] 169/5	
105/11 112/3 112/16 112/16		147/14 151/8 151/9 151/23		bolstering [1] 7/12	
120/4 122/25 123/5 123/5		156/20 158/18 180/11 180/15		bolt [4] 169/16 169/22 233/11	
126/9 129/5 130/3 131/21		234/12 234/13 236/10 240/8		233/12	
139/22 139/24 140/1 140/3		242/1 242/13		bonds [1] 174/22	
140/5 147/8 147/8 152/22		besides [1] 127/13		Boone [1] 40/20	
153/14 153/25 158/5 158/13		best [10] 7/1 47/18 85/4		Boone Street [1] 40/20	
165/3 178/3 178/13 180/8		133/7 144/4 229/19 237/17		booth [1] 127/2	
182/7 182/12 186/20 193/24		237/19 241/7 243/9		BOP [1] 156/25	
198/18 200/17 201/6 202/11		between [13] 8/12 10/4 21/6		both [10] 62/18 129/8 130/25	
206/19 206/23 207/9 207/11		21/16 31/16 31/20 69/19 129/8		139/12 161/2 161/3 164/21	
209/16 211/3 211/16 211/25		146/25 150/9 166/8 197/9		174/24 209/10 243/21	
212/14 212/21 213/4 213/12		197/12		bottom [3] 80/21 90/17 120/11	
215/7 217/6 217/11 217/18		beyond [1] 234/10		bought [7] 45/23 148/23	
217/19 217/22 218/7 220/4		BGF [6] 31/20 31/21 32/19		148/25 149/1 161/16 161/25	
221/21 231/1 233/23 235/17		32/25 33/11 232/23		162/14	
236/4 242/5 242/21		BGFs [2] 31/17 32/13		bouncing [1] 183/5	
before [59] 1/11 3/18 7/25		big [7] 50/14 89/24 91/23		Bowers [5] 193/17 193/21	
21/19 21/21 23/6 23/6 27/24		91/25 91/25 161/23 169/19		193/23 194/1 194/23	
28/5 28/22 31/8 41/9 41/11		Big T's [1] 50/14		boy [9] 11/21 27/5 28/14	
58/10 68/4 70/7 70/21 72/1		bigger [2] 32/1 47/16		29/14 61/11 170/17 183/1	
74/10 74/20 75/20 77/8 88/12		Bill [10] 11/16 11/24 12/11		224/5 225/2	
99/12 104/3 112/2 129/16		13/2 15/24 17/22 18/1 19/9		boyfriend [1] 46/1	
131/1 131/5 135/1 140/13		19/11 19/14		boys [2] 170/19 224/2	
140/13 144/5 145/20 158/20		bills [2] 204/18 204/20		BP [12] 8/4 8/8 11/14 12/14	
159/8 161/10 163/24 163/25		binders [1] 62/17		12/25 14/7 29/2 29/16 30/20	
165/3 165/12 175/25 183/24		Bino [4] 4/6 41/24 42/5 42/8		122/6 137/25 173/20	
186/7 198/17 199/8 205/5		birthday [3] 71/5 71/6 71/6		BP gas [2] 8/4 8/8	
205/5 215/4 217/11 217/20		bit [12] 8/19 20/6 57/4 62/20		BPD [3] 86/16 193/10 231/2	
217/23 218/8 219/15 223/12		72/5 83/16 118/18 121/6		Bradley [5] 117/1 119/16	
226/25 229/4 229/6 236/12		144/12 191/3 222/23 230/19		119/17 140/24 152/3	
beforehand [1] 88/12		black [18] 31/13 31/15 31/16		break [4] 43/22 43/24 64/23	
beg [1] 94/2		31/18 31/22 31/24 32/3 32/11		129/8	
began [1] 225/25		32/11 32/12 32/20 32/25 33/11		breaking [2] 103/6 129/24	
begging [2] 95/11 203/1		130/17 130/18 130/19 130/20		Brian [2] 2/2 132/16	
begin [1] 226/9		130/21		Brian Johnson [1] 132/16	
		Black Blood [9] 31/13 31/15		Brian Sardelli [1] 2/2	

<p>B</p> <p>briefly [5] 43/17 63/8 96/5 228/12 241/23</p> <p>bring [7] 104/24 134/20 134/21 135/6 135/9 151/22 184/16</p> <p>broad [1] 37/3</p> <p>broke [1] 144/13</p> <p>Brotherhood [6] 31/16 130/17 130/18 130/19 130/20 130/21</p> <p>brought [8] 5/8 13/14 81/9 159/13 210/2 224/6 235/20 235/21</p> <p>buck [1] 114/7</p> <p>bucks [1] 118/24</p> <p>build [3] 88/13 115/15 227/25</p> <p>bunch [2] 182/15 243/11</p> <p>burglaries [4] 72/24 75/19 75/24 166/25</p> <p>burglary [7] 76/11 76/12 76/13 76/16 244/3 244/7 244/8</p> <p>burgundy [1] 31/8</p> <p>bus [3] 78/22 79/1 80/3</p> <p>business [3] 25/4 171/10 174/22</p> <p>buy [21] 45/5 45/6 45/11 46/8 46/12 47/24 48/2 48/5 48/12 79/24 117/25 118/14 119/5 119/8 149/2 149/5 172/12 172/14 172/15 190/25 238/13</p> <p>BUY-1C [1] 48/5</p> <p>buying [2] 6/2 80/6</p> <p>buys [6] 45/3 45/8 118/11 190/6 190/6 190/9</p>	<p>90/22 90/25 90/25 168/10 168/11</p> <p>can [102] 4/3 7/1 7/14 7/15 8/9 8/25 9/3 9/12 9/12 12/9 13/4 14/10 15/11 15/18 16/2 16/15 17/15 17/25 25/16 27/1 27/14 34/7 35/23 37/23 38/25 39/3 39/5 39/8 39/14 39/17 39/20 39/22 39/24 40/3 40/17 43/17 44/1 44/9 47/1 52/19 52/22 53/24 55/1 62/7 62/15 62/18 63/11 65/2 65/6 65/11 65/16 71/4 80/17 84/9 84/23 96/20 104/24 106/1 108/25 110/7 122/22 124/11 124/15 124/24 124/24 126/18 127/1 134/11 134/25 138/5 143/6 146/9 146/22 149/11 151/17 153/15 157/2 165/3 175/17 180/5 180/15 184/10 184/11 184/16 186/7 200/10 208/13 211/5 211/10 211/18 212/4 212/17 213/6 218/23 226/24 232/22 233/7 234/16 238/4 242/10 243/9 243/21</p> <p>can't [20] 35/4 42/13 43/7 57/10 80/18 105/20 118/6 119/18 119/20 124/8 137/11 161/20 175/5 175/12 175/14 175/17 175/21 177/2 218/22 234/20</p> <p>candid [3] 108/10 109/9 182/1</p> <p>cannot [1] 42/24</p> <p>Captain [1] 152/1</p> <p>Captain Kevin Jones [1] 152/1</p> <p>capture [1] 90/21</p> <p>car [79] 8/10 8/14 8/20 8/22 9/6 9/8 9/14 10/16 10/21 13/8 13/10 13/15 14/4 14/11 14/12 14/13 15/1 15/3 15/11 15/19 15/20 16/22 17/14 17/17 18/1 18/13 23/14 30/4 31/4 31/6 50/7 54/2 54/3 54/5 54/11 54/13 56/2 56/18 57/6 61/25 77/3 77/6 77/9 77/9 78/1 78/4 79/1 79/23 80/4 80/4 80/5 80/13 106/17 118/21 118/22 119/9 127/7 130/22 139/10 139/13 139/20 139/21 140/7 140/7 140/14 140/18 140/20 140/24 141/6 141/7 141/12 173/8 173/10 173/13 175/17 176/1 233/20 238/18 238/21</p> <p>care [2] 32/10 130/7</p> <p>careful [1] 168/12</p> <p>carried [1] 210/8</p> <p>carry [1] 171/19</p> <p>carrying [1] 201/20</p> <p>case [35] 1/4 8/1 58/10 68/7 70/9 70/14 73/4 86/19 86/23 88/7 99/25 106/11 107/23 107/24 108/3 108/4 108/6 109/14 115/15 123/7 133/5 133/6 140/16 143/18 145/16 158/14 164/24 165/4 171/18 216/2 216/10 229/7 229/11 241/15 243/2</p> <p>cases [2] 116/24 146/18</p> <p>Cash [1] 161/8</p>	<p>Cashing [1] 14/9</p> <p>catching [2] 76/2 111/4</p> <p>CATHERINE [5] 1/11 87/21 116/18 207/4 207/17</p> <p>Catherine Flynn [3] 87/21 116/18 207/4</p> <p>Catherine Flynn's [1] 207/17</p> <p>caught [5] 76/3 78/22 85/3 168/7 168/13</p> <p>caused [3] 10/3 120/6 130/2</p> <p>caveat [1] 104/7</p> <p>CCB [1] 1/4</p> <p>CCB-16-0267 [1] 1/4</p> <p>CCTV [1] 90/20</p> <p>cemetery [3] 38/14 40/18 40/25</p> <p>center [2] 37/6 68/10</p> <p>certain [4] 41/23 52/1 117/5 117/8</p> <p>certainly [6] 82/2 94/15 157/14 157/16 190/22 206/15</p> <p>certified [2] 62/13 245/6</p> <p>certify [1] 245/1</p> <p>cetera [1] 244/17</p> <p>Champagne [1] 22/4</p> <p>chance [2] 83/13 165/17</p> <p>change [1] 104/17</p> <p>changed [6] 31/7 58/15 100/3 194/15 203/3 229/14</p> <p>characterize [1] 80/23</p> <p>characterized [2] 70/1 225/2</p> <p>charge [4] 76/2 76/3 76/7 76/9</p> <p>charged [10] 6/8 7/21 43/4 58/7 81/16 83/14 84/24 164/23 186/6 228/9</p> <p>charges [2] 111/4 216/7</p> <p>Charlie [1] 195/13</p> <p>check [3] 14/9 115/19 115/22</p> <p>Check Cashing Depot [1] 14/9</p> <p>child [3] 106/17 129/13 136/4</p> <p>chilled [1] 22/15</p> <p>chilling [1] 224/24</p> <p>choice [1] 177/23</p> <p>choose [1] 104/17</p> <p>chose [2] 58/23 99/11</p> <p>Christian [1] 2/15</p> <p>Christian Aanonson [1] 2/15</p> <p>Christina [1] 1/15</p> <p>Christina Hoffman [1] 1/15</p> <p>Christopher [1] 2/12</p> <p>Christopher Davis [1] 2/12</p> <p>CI [8] 44/25 48/13 114/8 114/9 153/13 197/7 230/22 231/13</p> <p>circle [1] 3/18</p> <p>circling [1] 202/4</p> <p>circumstance [1] 187/13</p> <p>city [27] 81/21 87/11 87/13 88/2 88/6 89/6 89/15 91/5 92/9 99/23 101/24 102/4 103/1 114/19 121/22 131/23 132/17 181/11 206/20 210/6 210/9 210/15 215/13 215/17 215/19 217/23 222/2</p> <p>claim [3] 148/19 191/8 197/5</p> <p>claimed [4] 131/10 185/9 191/25 197/8</p> <p>claiming [1] 153/21</p>
<p>C</p> <p>C-B-O [2] 195/17 195/18</p> <p>C-Bo [5] 22/3 195/9 195/15 195/16 195/20</p> <p>caliber [4] 107/3 120/17 203/18 203/25</p> <p>call [18] 43/8 53/9 53/11 53/17 62/11 62/14 62/16 62/16 64/23 67/2 67/3 69/1 69/11 139/4 151/19 233/18 243/12 244/16</p> <p>Call J-65 [1] 62/14</p> <p>called [20] 9/11 31/12 32/13 40/21 45/12 50/4 53/12 53/15 53/21 79/4 98/1 134/13 141/20 145/20 161/12 170/8 174/18 192/10 216/2 233/18</p> <p>calling [2] 79/10 138/11</p> <p>calls [9] 38/23 41/15 50/7 62/13 189/25 215/24 219/8 244/11 244/13</p> <p>came [32] 8/14 10/18 10/20 10/23 21/7 30/2 31/8 56/24 57/5 61/20 62/1 67/3 69/11 79/23 90/23 96/11 127/18 128/14 129/18 148/11 160/23 161/2 161/6 168/18 168/19 170/14 185/12 197/7 198/25 218/20 225/5 236/20</p> <p>camera [9] 16/6 16/12 168/13 173/10 174/6 175/1 175/2 202/8 238/21</p> <p>cameras [8] 12/14 90/20 90/21</p>		

C	common [1] 174/22 communicate [3] 33/21 36/13 36/24	continue [12] 44/1 44/16 92/23 99/4 99/8 99/9 108/9 109/7 111/10 111/16 124/24 135/9
claims [2] 157/10 158/11	communicating [1] 33/24	continued [6] 3/13 99/24
clarify [3] 122/22 200/1 228/16	community [2] 74/2 224/15	100/1 100/1 101/11 121/20
clean [2] 134/19 185/12	company [1] 161/12	continuing [1] 44/6
clear [8] 30/16 68/6 69/1 145/5 147/11 158/5 202/2 206/8	compartment [1] 159/15	contract [5] 74/14 74/18 108/15 109/6 110/8
clearer [1] 64/21	complete [4] 108/10 109/8 110/17 110/21	control [2] 53/13 166/14
clearly [1] 157/13	completely [4] 75/8 87/6 105/18 105/21	controlled [22] 45/3 45/5 45/6 45/8 46/8 48/12 117/14 117/18 117/25 118/11 118/14 172/12 172/14 172/15 190/6 190/6 190/9 190/25 237/21 237/25 238/13 239/4
client [10] 131/15 145/9 148/19 149/4 150/19 151/4 152/6 153/19 159/19 161/16	comply [2] 201/3 226/3	controlled buy [11] 45/5 45/6 46/8 48/12 117/25 118/14 172/12 172/14 172/15 190/25 238/13
client's [1] 149/9	complying [2] 200/25 201/2	controlled buys [6] 45/3 45/8 118/11 190/6 190/6 190/9
Clifton [7] 166/1 173/18 173/24 176/4 176/7 239/5 239/17	computer [2] 156/21 218/7	controlled purchase [5] 117/14 117/18 237/21 237/25 239/4
clip [1] 121/7	computers [1] 127/3	conversation [11] 26/18 28/4 56/20 67/6 196/19 196/24 196/25 197/9 197/11 197/14 197/21
close [12] 14/21 19/11 19/14 24/14 49/11 61/13 61/15 63/1 137/25 159/22 161/21 179/15	con [1] 238/16	conversations [5] 238/6 238/10 238/12 238/15 238/16
close-up [2] 19/11 19/14	conceal [1] 91/1	convicted [1] 75/10
closed [1] 128/8	concerning [1] 108/10	conviction [3] 45/2 153/4 153/5
closer [1] 10/15	concluded [11] 7/17 44/3 65/10 96/23 106/3 125/1 147/14 151/23 158/18 236/10 242/13	convince [1] 203/8
closets [1] 218/11	condition [1] 7/22	Conyers [1] 120/24
clothes [2] 9/14 13/14	conditions [2] 94/7 209/16	cook [1] 47/7
club [6] 4/5 4/5 24/23 25/14 90/23 159/14	conduct [2] 45/3 176/7	cooking [1] 47/20
clue [1] 162/7	conducted [2] 237/22 237/25	cool [4] 129/22 159/23 159/24 172/23
cocaine [21] 117/20 117/22 148/19 149/5 149/6 150/8 150/9 150/10 150/10 150/12 150/12 150/13 150/14 150/23 162/3 162/4 162/5 162/14 176/19 177/20 177/21	conducting [1] 238/1	cooperate [10] 7/1 95/1 98/19 99/8 108/5 108/9 109/8 143/6 144/16 228/6
code [1] 167/13	conference [22] 7/7 7/17 43/20 44/3 63/10 65/10 96/7 96/23 105/17 106/3 124/5 125/1 146/23 147/14 151/9 151/23 156/20 158/18 234/13 236/10 242/1 242/13	cooperating [7] 6/23 62/8 100/5 112/24 226/8 226/11 228/5
coke [5] 27/16 28/20 28/20 45/12 152/11	conferred [9] 79/15 85/13 92/15 137/1 156/17 200/12 201/10 210/22 217/16	cooperation [13] 99/5 100/6 108/1 109/13 110/1 110/21 111/8 111/13 115/11 144/8 153/10 226/16 227/25
collect [8] 4/15 38/3 38/19 149/18 149/21 149/24 150/2 150/6	confidential [10] 23/22 44/22 45/22 52/24 157/21 171/5 206/21 207/4 207/13 230/3	cooperator [2] 121/20 225/24
collected [3] 70/9 70/10 235/18	confidential informant [9] 23/22 44/22 45/22 52/24 171/5 206/21 207/4 207/13 230/3	copy [1] 124/20
collecting [1] 150/1	confirm [1] 80/17	Corloyd [2] 2/3 184/25
Collins [2] 126/6 126/9	confirmed [1] 156/25	Corloyd Anderson [1] 2/3
Collins Avenue [1] 126/6	confiscated [1] 5/12	corner [1] 35/4
color [1] 31/7	confront [1] 185/25	correct [199] 71/11 71/18 72/8 72/24 73/4 73/15 73/20 74/3 74/5 74/6 74/7 75/13 76/13 78/1 78/7 81/7 81/12 81/18 81/25 83/11 86/15 89/8 90/3 91/9 97/19 98/7 99/19 106/11 106/18 106/23 107/1 107/6 107/11 113/14 117/19 121/20 123/2 123/15 128/12 130/25 137/17 141/24 142/13 146/11 147/17 147/19 147/20 148/7 148/18 148/20 148/23 149/18 150/23 152/18 154/15 154/17 155/7 156/3 156/8
combination [1] 123/2	confronted [3] 100/21 130/9 185/13	
come [44] 7/6 9/8 9/11 20/7 22/7 25/3 28/1 32/1 32/3 32/9 33/13 34/6 37/15 54/1 58/22 61/19 62/4 62/12 63/25 64/3 83/17 86/14 95/14 96/14 96/16 105/16 120/1 124/25 151/8 157/16 160/23 180/11 180/15 181/14 186/15 189/21 224/23 233/1 234/12 240/8 242/22 242/23 243/3 244/9	confused [2] 147/2 147/3	
comes [5] 105/24 144/13 144/14 169/7 244/15	confusion [1] 228/24	
coming [5] 47/15 57/4 63/4 224/15 242/11	connection [3] 158/14 182/17 182/18	
commercial [1] 55/12	connects [2] 32/5 32/7	
commit [5] 74/3 74/15 82/3 82/18 209/5	consensual [1] 238/2	
committed [4] 75/9 75/19 75/23 230/17	consistent [4] 187/18 187/21 188/4 195/3	
committing [2] 171/8 228/6	consists [1] 135/6	
	consoling [1] 51/17	
	conspiracy [8] 6/8 6/9 6/9 6/13 84/17 142/13 142/15 142/19	
	Cont [1] 244/23	
	contact [6] 114/22 117/4 117/7 117/8 129/6 180/5	
	contacted [2] 116/6 172/24	
	contacting [1] 117/2	
	containing [3] 204/7 204/10 204/12	
	context [1] 86/21	

<p>C</p> <p>correct... [140] 158/21</p> <p>159/17 159/20 160/20 161/17</p> <p>162/1 162/3 162/24 163/2</p> <p>163/6 163/14 163/18 164/14</p> <p>164/17 164/19 164/24 165/1</p> <p>165/4 165/12 165/13 166/17</p> <p>166/20 167/3 167/8 167/11</p> <p>167/21 171/8 171/11 172/9</p> <p>172/20 172/25 173/10 173/15</p> <p>174/14 174/16 179/22 180/17</p> <p>181/3 182/9 182/20 183/4</p> <p>184/3 185/10 185/22 185/23</p> <p>185/25 186/4 186/13 186/25</p> <p>187/14 187/21 188/2 188/16</p> <p>188/18 189/6 189/12 189/16</p> <p>189/23 190/3 190/17 190/20</p> <p>191/1 191/2 191/10 191/12</p> <p>191/15 191/17 191/18 191/23</p> <p>191/24 192/11 194/5 194/20</p> <p>195/16 196/17 196/20 196/22</p> <p>197/23 197/24 198/2 198/4</p> <p>198/22 200/18 201/13 201/16</p> <p>201/20 201/23 202/13 203/9</p> <p>203/13 203/19 205/9 206/3</p> <p>206/6 206/11 206/13 206/21</p> <p>207/5 207/7 207/9 208/8</p> <p>208/20 208/23 209/20 209/24</p> <p>210/6 210/15 214/7 214/15</p> <p>214/19 215/1 215/11 216/10</p> <p>216/19 216/20 216/24 217/6</p> <p>219/3 219/20 219/22 219/23</p> <p>219/25 221/8 221/13 221/17</p> <p>223/19 223/21 224/3 224/13</p> <p>224/16 224/19 225/8 225/15</p> <p>225/21 226/17 227/11 227/21</p> <p>228/1 228/8 245/2</p> <p>corrected [3] 79/17 87/1 87/3</p> <p>Correctional [1] 167/2</p> <p>Corrections [1] 39/2</p> <p>correctly [4] 12/9 126/18</p> <p>155/23 186/7</p> <p>could [39] 16/25 20/10 48/18</p> <p>63/19 64/18 64/19 64/22 70/3</p> <p>74/25 83/15 93/8 95/1 96/5</p> <p>103/24 106/21 111/1 111/5</p> <p>112/7 114/7 127/8 130/15</p> <p>143/20 146/18 175/19 177/2</p> <p>178/7 179/14 192/15 195/2</p> <p>201/8 208/25 209/6 209/12</p> <p>214/19 215/1 231/1 241/23</p> <p>242/4 242/16</p> <p>couldn't [7] 34/3 34/4 34/4</p> <p>47/13 47/20 201/12 201/15</p> <p>counsel [20] 79/15 85/13</p> <p>92/15 103/14 116/21 116/24</p> <p>137/1 146/6 146/8 146/22</p> <p>149/7 156/17 200/12 201/10</p> <p>210/22 217/16 241/23 243/9</p> <p>243/16 243/20</p> <p>count [1] 77/22</p> <p>counted [1] 123/8</p> <p>counterfeit [3] 204/18 204/20</p> <p>204/21</p> <p>county [5] 12/7 36/4 36/6</p> <p>37/6 39/2</p> <p>couple [19] 22/21 29/5 40/18</p> <p>40/20 41/12 60/4 60/22 62/22</p>	<p>72/11 93/19 127/14 169/8</p> <p>199/1 199/21 224/19 224/23</p> <p>234/22 243/8 243/15</p> <p>course [12] 84/21 85/2 86/3</p> <p>87/21 100/6 107/21 119/9</p> <p>129/15 136/13 142/19 143/1</p> <p>242/23</p> <p>court [16] 1/1 1/24 72/13</p> <p>97/24 97/25 102/11 136/25</p> <p>145/16 146/14 216/3 216/6</p> <p>237/8 240/24 242/20 244/20</p> <p>245/7</p> <p>Court's [4] 66/24 141/17</p> <p>146/14 200/11</p> <p>courtroom [11] 1/9 3/7 44/8</p> <p>44/15 68/9 103/11 105/1 184/9</p> <p>184/17 185/19 186/15</p> <p>cover [1] 59/19</p> <p>covering [3] 90/15 121/11</p> <p>121/11</p> <p>CR [1] 244/22</p> <p>crack [8] 47/3 48/8 150/9</p> <p>150/12 150/13 162/4 204/14</p> <p>237/20</p> <p>crack cocaine [4] 150/9</p> <p>150/12 150/13 162/4</p> <p>Crazy [4] 33/9 33/10 33/11</p> <p>33/16</p> <p>Creams [14] 27/9 28/12 28/13</p> <p>28/15 28/21 29/23 29/24 30/6</p> <p>31/1 31/4 219/24 220/2 220/9</p> <p>220/20</p> <p>credit [1] 227/25</p> <p>cries [1] 95/10</p> <p>crime [6] 30/24 75/9 75/10</p> <p>82/3 164/24 221/10</p> <p>crimes [5] 74/3 74/15 171/8</p> <p>228/6 230/16</p> <p>criminal [8] 1/4 199/9 209/5</p> <p>209/8 214/19 215/6 215/10</p> <p>225/24</p> <p>Crips [4] 31/17 31/21 31/21</p> <p>31/22</p> <p>cross [14] 68/1 103/16 106/1</p> <p>145/1 158/3 165/9 184/20</p> <p>187/4 191/3 205/17 223/1</p> <p>233/14 234/10 240/25</p> <p>CROSS-EXAMINATION [6] 68/1</p> <p>145/1 165/9 184/20 205/17</p> <p>223/1</p> <p>crowded [1] 55/16</p> <p>crowds [1] 178/14</p> <p>CRR [3] 1/23 245/1 245/5</p> <p>crying [1] 51/17</p> <p>cumulative [1] 158/4</p> <p>current [2] 139/21 157/23</p> <p>custody [2] 6/6 160/17</p> <p>Customers [1] 5/8</p> <p>cut [9] 68/13 77/9 82/9 83/4</p> <p>83/5 99/12 144/15 204/15</p> <p>204/16</p> <p>cuttin' [1] 100/15</p> <p>CVS [1] 192/6</p> <p>D</p> <p>daily [2] 164/10 223/15</p> <p>Dana [2] 81/14 102/8</p> <p>Dana Middleton [2] 81/14</p> <p>102/8</p>	<p>dancers [1] 26/17</p> <p>DANTE [5] 1/5 1/17 33/14 39/7</p> <p>233/2</p> <p>DANTE BAILEY [4] 1/5 1/17</p> <p>33/14 233/2</p> <p>dark [1] 122/14</p> <p>date [38] 13/4 25/16 39/8</p> <p>39/9 39/15 39/20 39/24 40/3</p> <p>40/9 75/21 79/14 88/1 92/24</p> <p>93/6 93/8 106/7 106/9 106/9</p> <p>122/25 154/19 172/8 172/10</p> <p>172/13 194/12 200/9 201/25</p> <p>206/9 209/20 211/10 211/21</p> <p>212/7 212/17 212/25 213/8</p> <p>213/16 213/16 218/20 245/7</p> <p>Dated [1] 201/25</p> <p>dates [2] 72/3 85/15</p> <p>dating [2] 95/5 129/10</p> <p>daughter [1] 76/21</p> <p>Davis [15] 2/8 2/12 205/21</p> <p>206/15 215/14 216/3 216/6</p> <p>218/18 218/22 219/6 219/15</p> <p>219/19 219/25 222/2 222/13</p> <p>day [54] 4/20 8/5 20/9 22/2</p> <p>22/8 22/20 23/6 30/22 39/12</p> <p>40/7 42/10 44/23 54/24 57/11</p> <p>63/24 76/22 76/23 76/24 78/22</p> <p>98/6 117/5 132/6 135/1 145/14</p> <p>160/2 160/7 160/7 160/8 162/8</p> <p>163/4 164/4 168/18 172/12</p> <p>172/16 172/19 173/5 177/5</p> <p>178/19 179/19 183/15 191/9</p> <p>191/16 200/7 212/8 213/24</p> <p>216/12 217/1 217/5 218/23</p> <p>219/3 222/11 229/15 236/25</p> <p>242/5</p> <p>days [8] 20/10 22/21 179/20</p> <p>183/24 224/24 225/8 242/20</p> <p>242/25</p> <p>daytime [1] 54/24</p> <p>dead [7] 56/15 136/7 136/9</p> <p>136/11 136/16 156/13 156/14</p> <p>deaf [1] 95/11</p> <p>deal [20] 41/22 42/2 68/13</p> <p>82/9 82/11 83/4 89/24 91/23</p> <p>91/25 91/25 99/12 99/16 99/18</p> <p>100/15 106/25 115/11 115/11</p> <p>144/15 150/14 151/10</p> <p>dealing [13] 74/7 85/2 88/6</p> <p>113/10 114/3 114/6 151/4</p> <p>171/5 171/23 172/1 172/17</p> <p>177/13 179/20</p> <p>deals [3] 5/5 5/6 104/9</p> <p>dealt [2] 59/6 162/16</p> <p>Death [1] 62/10</p> <p>December [9] 87/25 97/22</p> <p>106/8 198/14 198/17 199/15</p> <p>199/16 231/14 231/15</p> <p>December 11th [1] 106/8</p> <p>December 2014 [1] 231/15</p> <p>deceptive [1] 177/14</p> <p>decide [1] 96/20</p> <p>decided [3] 169/15 169/22</p> <p>217/1</p> <p>decides [1] 59/15</p> <p>decision [3] 145/17 146/15</p> <p>166/22</p> <p>deep [4] 60/23 135/8 183/17</p> <p>183/17</p>
---	---	--

Case 1:16-cr-00267-LKG Document 1358 Filed 11/21/19 Page 255 of 283

D	102/22 110/2 110/21 110/25 115/12 115/19 115/22 116/24	do [215] 3/18 3/19 3/20 3/23 5/6 7/1 7/6 8/17 10/9 11/4
deeper [1] 58/19	117/7 119/12 119/14 120/1	11/8 11/12 12/11 13/1 13/13
defendant [9] 1/17 2/1 2/3 2/6 2/8 2/11 108/12 110/17 225/7	122/12 123/8 125/17 126/13 127/7 129/19 130/6 130/14 132/17 136/3 136/18 139/3 140/8 140/20 141/7 141/11 141/14 152/15 153/24 154/3 160/21 168/1 168/3 169/14 176/9 176/11 176/14 176/17 176/24 180/6 181/18 183/10 183/13 186/5 187/14 189/15 191/14 192/8 192/9 192/13 195/2 195/10 201/3 202/19 203/2 206/15 210/1 210/19 214/7 215/9 217/9 218/9 218/12 218/16 218/18 218/21 219/16 224/8 224/10 224/10 224/21 226/3 226/6 226/23 227/21 241/17	13/20 14/6 15/7 16/22 18/16 18/22 19/1 19/4 22/14 25/3 25/5 30/19 30/23 31/4 32/7 35/24 36/5 41/8 41/11 42/8 42/11 43/1 43/23 44/25 47/6 47/19 49/18 50/15 50/21 52/12 53/21 53/25 54/1 55/4 55/20 60/18 60/25 63/1 65/2 65/5 65/6 74/2 75/5 75/21 78/3 78/25 79/6 79/9 79/20 79/22 80/2 80/8 80/10 80/19 81/14 81/20 82/4 82/8 82/14 83/16 83/20 84/1 84/9 85/10 85/16 85/20 85/23 86/12 87/4 87/12 92/10 92/17 92/23 92/24 93/6 93/17 93/18 94/10 97/18 98/2 98/22 98/24 98/25 99/3 99/4 99/4 99/9 99/11 100/7 103/2 103/19 104/2 105/10 105/16 106/7 107/18 108/8 109/6 110/2 111/16 111/20 111/21 113/1 113/6 114/18 116/10 117/10 118/15 119/16 121/14 123/17 123/21 124/19 125/12 125/15 126/6 126/8 126/19 126/23 128/21 130/8 135/14 135/16 136/13 137/8 137/13 138/23 139/7 140/15 140/25 140/25 141/20 142/7 147/5 151/3 151/8 152/20 152/22 153/2 153/3 153/6 153/11 153/15 153/18 153/21 155/2 161/19 163/2 166/22 168/1 171/19 178/2 180/11 181/6 181/6 183/13 188/14 191/6 193/3 194/8 196/3 196/4 196/5 196/8 198/6 207/20 208/4 208/10 210/1 215/10 217/2 218/3 221/4 223/6 223/23 226/6 227/16 228/5 229/19 230/3 230/10 230/10 231/22 232/17 232/19 233/10 233/16 233/25 234/7 234/12 236/12 236/25 237/7 237/15 237/23 240/20 243/11 243/18 244/10 245/1
Defendant's Exhibit 1E [1] 212/14	die [4] 56/14 136/6 136/24 241/17	DOC [1] 92/6
Defendant's Exhibit 1H [1] 213/13	Dietz [4] 199/4 199/6 199/7 199/18	document [28] 109/10 109/19 133/18 133/19 151/11 207/19 211/18 211/20 212/2 212/4 212/15 212/23 213/6 213/14 213/24 234/3 234/22 235/2 235/4 235/10 235/10 235/14 235/15 235/17 235/19 236/13 236/16 236/19
Defendant's Exhibit 2 [1] 120/5	difference [4] 95/12 146/24 150/9 166/7	documents [3] 70/9 235/1 235/11
defendants [3] 1/6 6/10 45/9	different [19] 11/9 16/6 16/12 17/18 18/2 18/12 37/14 41/15 47/16 69/4 71/17 83/4 122/17 122/25 151/18 158/7 183/3 229/15 239/19	does [17] 15/1 26/4 34/10 69/7 101/4 121/6 124/20 135/5 143/23 146/17 207/15 207/17 214/22 230/23 233/12 239/24 239/24
defense [5] 96/9 103/14 133/16 233/24 243/20	differently [1] 103/19	doesn't [9] 41/22 43/15 65/12 102/24 124/25 152/10 157/16 165/1 188/15
Defense Exhibit Bailey 1 [1] 233/24	difficulties [1] 65/12	Dog [1] 174/18
defined [1] 227/5	dig [1] 135/8	
definitely [3] 125/16 172/1 240/21	digital [1] 204/5	
degree [4] 58/20 106/14 106/20 110/14	digital scales [1] 204/5	
delay [2] 47/16 64/12	DiPaola [3] 104/8 104/18 243/16	
denied [1] 100/24	Diplomate [1] 245/6	
Dent [1] 241/15	direct [21] 3/13 8/2 17/11 28/25 48/20 60/17 96/17 109/2 147/4 147/4 148/18 150/11 153/2 153/6 191/8 205/24 208/10 218/15 223/5 235/6 235/25	
deny [1] 80/17	directing [1] 54/21	
department [11] 23/23 39/2 81/25 150/19 151/4 152/1 152/14 181/11 208/16 210/15 215/14	directions [2] 11/9 18/13	
depend [1] 117/12	Dirt [12] 4/6 26/14 26/16 49/19 49/20 50/23 51/12 149/1 193/24 233/8 237/14 237/18	
depends [1] 117/24	dirty [2] 58/17 144/4	
Depot [1] 14/9	disc [1] 62/13	
describe [2] 127/1 172/3	discipline [1] 134/21	
described [2] 192/3 224/2	discovery [3] 70/8 124/18 180/9	
deserve [1] 135/4	discretion [1] 145/21	
despite [1] 225/23	discuss [2] 150/19 165/17	
destroying [1] 95/19	discussed [4] 131/25 133/4 165/3 218/20	
detail [2] 101/7 193/9	discussing [1] 197/9	
detailed [1] 79/4	discussion [1] 80/20	
details [2] 26/22 187/11	disguise [1] 90/12	
detective [3] 23/25 24/3 152/3	dishonest [1] 172/6	
Detective Bradley Hood [1] 152/3	disperse [1] 57/3	
detectives [6] 43/3 79/10 84/22 86/23 243/15 244/11	disposition [1] 98/2	
Detention [1] 37/6	dispute [6] 21/6 21/16 48/21 48/24 69/10 111/19	
determine [1] 7/9	DISTRICT [2] 1/1 1/1	
determines [1] 200/22	DIVISION [1] 1/2	
Devil [1] 166/19		
Devils [1] 167/18		
Devon [1] 241/15		
Devon Dent [1] 241/15		
did [345]		
didn't [120] 8/12 38/1 38/5 41/24 42/2 50/6 51/25 53/12 54/14 55/4 58/21 60/22 60/23 61/2 69/19 71/8 71/13 71/22 72/21 77/22 80/24 80/24 81/2 84/20 84/21 85/1 86/1 86/3 87/2 88/10 90/22 90/23 90/25 91/23 92/4 92/6 92/7 99/7 100/7 100/11 102/17 102/18		

<p>D</p> <p>doing [31] 21/1 21/3 22/5 24/25 48/13 48/15 49/20 49/22 92/22 100/2 100/5 124/7 139/19 143/6 148/16 160/3 160/4 168/23 171/10 174/7 175/5 181/18 181/20 190/5 190/6 190/12 190/17 202/16 202/17 218/2 243/10 dollars [8] 117/18 117/23 181/15 181/18 181/23 213/3 213/11 213/19 Dominick [1] 123/22 Dominick Wedlock [1] 123/22 Dominique [1] 39/7 don't [129] 12/13 15/8 30/21 41/6 41/23 49/15 51/24 52/4 53/22 55/17 63/11 63/22 64/4 64/15 64/18 64/21 67/10 72/22 75/22 78/5 78/25 79/19 79/21 80/2 80/6 80/7 80/22 82/1 85/22 85/24 86/8 86/13 87/3 87/9 88/20 88/20 89/13 91/12 92/14 94/11 95/20 101/10 105/23 106/9 108/14 109/1 111/9 111/19 111/23 114/17 114/21 115/1 115/3 115/5 115/9 116/7 116/7 119/7 120/8 121/23 123/8 124/7 124/14 126/13 127/18 128/25 131/17 131/17 132/1 132/2 134/15 135/22 136/20 137/17 143/8 143/22 144/3 144/11 146/3 150/20 151/1 151/1 151/6 151/25 152/2 152/5 152/9 155/17 157/15 157/23 158/6 159/3 159/4 159/21 159/21 164/7 164/8 169/19 174/19 175/19 176/12 176/24 176/24 177/10 177/20 179/1 179/2 181/8 184/1 187/24 188/18 188/21 189/22 190/21 194/12 195/1 197/6 197/6 215/15 222/22 224/25 227/22 231/4 238/16 243/2 243/13 243/24 244/4 244/8 done [12] 32/2 43/14 64/1 93/18 94/20 94/25 118/1 118/2 118/3 127/10 127/11 135/2 Dontray [2] 39/18 40/2 door [2] 10/14 10/15 doors [1] 134/22 dope [2] 28/20 195/24 Dot [2] 161/12 161/14 double [10] 155/13 155/17 155/24 171/5 171/22 172/1 172/17 177/13 179/20 198/22 double-dealing [3] 171/5 172/17 179/20 Douglas [3] 1/23 245/1 245/5 down [37] 3/5 13/4 21/13 42/5 50/8 50/9 67/11 110/13 128/8 134/16 137/22 143/7 143/7 143/7 143/7 143/7 143/8 143/8 143/8 143/12 144/13 144/14 156/3 156/8 156/13 164/8 164/14 164/15 165/4 165/25 170/3 173/23 179/5 181/2</p>	<p>217/8 218/6 218/6 downtown [1] 78/23 DR [1] 244/22 dreams [2] 174/24 174/25 drinks [1] 161/22 drive [5] 20/5 50/9 119/6 149/2 173/8 driver [1] 91/21 driver's [5] 9/15 10/18 10/23 46/21 50/11 driving [7] 8/22 54/7 54/19 138/22 139/1 139/7 139/11 dropped [3] 125/24 126/16 155/7 drove [5] 15/3 48/10 50/8 119/5 176/13 drug [14] 5/5 5/6 6/9 32/8 113/10 113/23 147/16 147/18 147/20 147/23 147/23 157/9 177/22 183/6 drug-trafficking [1] 6/9 drugs [58] 4/23 5/8 6/21 21/4 27/7 27/10 27/12 28/6 28/17 28/19 45/7 45/23 46/5 59/6 61/20 74/7 82/5 113/12 113/16 113/20 113/20 114/3 114/6 114/8 115/18 118/3 118/12 119/6 119/8 147/22 149/1 149/2 161/16 161/25 163/8 170/11 171/11 171/22 175/17 175/23 176/1 177/15 183/20 189/6 189/8 189/11 191/9 191/14 191/16 195/20 201/15 216/24 223/17 223/18 224/25 225/1 227/9 237/21 dude [6] 32/13 48/25 56/2 56/6 60/9 128/23 dudes [4] 8/12 30/2 128/19 131/5 dues [14] 37/24 38/2 38/10 38/11 38/13 38/16 40/14 41/18 41/25 130/14 149/18 149/21 149/24 150/2 Dummy [1] 32/13 Dundalk [1] 113/7 during [22] 33/19 57/19 84/13 86/9 107/17 108/7 112/25 142/18 147/3 147/4 160/2 171/25 172/3 175/5 177/13 179/20 210/5 214/17 215/3 222/12 225/8 228/8</p> <p>E</p> <p>e-mail [2] 243/25 244/16 E-Money [2] 22/4 27/9 each [9] 32/1 51/17 64/2 110/17 123/19 163/22 204/7 208/22 225/7 earlier [2] 62/7 230/2 early [2] 76/15 232/3 earn [1] 114/7 earned [1] 169/13 earning [3] 114/2 114/2 135/3 ears [1] 95/11 earth [1] 131/15 easily [1] 179/14 East [1] 224/24 East Baltimore [1] 224/24 Eastern [1] 167/2</p>	<p>Eastside [6] 59/23 59/24 59/25 60/1 60/7 60/14 Eastside's [1] 60/10 easy [7] 66/11 66/16 66/18 66/22 67/17 69/20 155/25 eatin' [1] 20/25 eating [1] 21/3 echo [3] 63/14 64/11 64/14 ECI [4] 73/15 167/2 167/20 168/3 Eddie [1] 113/4 Eddie McCargo [1] 113/4 Edwards [5] 89/1 125/19 126/8 129/1 133/5 effect [3] 94/7 101/12 102/13 effectively [1] 113/18 effort [1] 134/23 eight [5] 45/15 47/3 48/8 221/15 225/14 either [11] 64/13 74/9 79/20 132/18 132/23 157/8 177/21 181/11 192/13 243/25 244/8 elaborate [1] 78/21 elementary [1] 224/11 Elita [2] 2/4 184/24 Elita Amato [2] 2/4 184/24 Ellis [2] 196/2 196/9 ELMO [1] 64/8 else [19] 11/14 15/9 26/12 26/19 29/18 29/22 32/11 41/4 42/14 45/18 49/11 50/21 60/3 94/10 131/18 188/23 196/11 197/14 244/15 Elsinore [6] 173/18 173/24 176/4 176/8 176/13 239/17 emoji [2] 233/9 233/10 empties [1] 169/6 end [7] 6/2 28/1 80/19 95/8 148/13 231/13 231/14 ended [7] 12/5 21/13 129/20 129/24 197/25 199/2 199/21 enforcement [32] 62/9 86/14 107/17 116/4 116/11 123/22 125/6 150/17 184/3 185/13 186/25 187/13 188/6 188/15 189/11 190/7 190/16 192/15 192/25 193/20 194/3 194/8 200/18 203/13 217/19 236/23 238/25 241/4 241/11 243/12 243/14 244/5 enforcer [1] 70/6 engage [1] 215/10 enough [2] 35/5 227/9 ensure [1] 156/13 entered [4] 3/7 44/15 105/1 184/17 entering [1] 198/1 Entertainment [2] 161/13 161/14 entire [3] 160/19 235/25 236/13 entitled [2] 133/19 245/3 Enzinna [1] 1/18 equipment [2] 126/23 127/3 equipped [1] 173/10 especially [1] 88/13 Esquire [9] 1/15 1/16 1/18 1/19 2/2 2/4 2/7 2/9 2/12 Essex [2] 22/13 22/16</p>
---	---	--

<p>E</p> <p>establish [2] 151/17 208/7</p> <p>estimate [3] 37/5 71/4 243/10</p> <p>et [2] 1/5 244/17</p> <p>et cetera [1] 244/17</p> <p>evaluation [1] 156/25</p> <p>even [39] 22/3 64/17 72/22 74/7 88/20 90/22 90/23 90/23 90/24 90/25 92/6 99/3 99/7 100/11 103/1 109/22 110/4 111/8 111/9 111/23 112/12 122/25 126/13 136/22 140/13 146/25 157/18 157/24 158/6 168/10 175/25 177/10 186/5 197/7 205/1 218/2 218/9 223/23 243/19</p> <p>event [1] 243/4</p> <p>events [4] 44/19 58/9 122/19 139/22</p> <p>eventually [2] 24/9 78/13</p> <p>ever [23] 27/12 28/21 33/21 43/9 67/17 85/25 86/17 86/21 92/2 102/4 110/22 120/9 124/14 131/23 148/23 149/2 150/14 151/1 152/9 161/12 170/11 221/19 237/13</p> <p>every [12] 32/5 38/13 95/2 101/7 110/17 112/9 117/5 117/5 161/21 161/24 188/24 214/17</p> <p>everybody [19] 49/12 51/17 51/19 52/20 52/23 61/16 103/20 104/22 137/22 163/20 163/21 163/22 163/22 163/22 170/10 205/23 223/14 242/9 244/18</p> <p>everybody's [3] 100/3 103/22 165/21</p> <p>everyone [4] 3/3 3/10 41/6 157/2</p> <p>everything [19] 9/14 84/24 91/20 94/25 95/17 96/13 100/2 101/8 133/5 142/22 142/23 143/13 169/6 169/7 177/1 192/21 193/8 218/12 218/16</p> <p>everything's [1] 178/16</p> <p>everywhere [1] 167/4</p> <p>evidence [21] 4/13 25/3 33/13 34/6 62/12 96/9 96/16 157/11 157/16 157/17 187/16 187/18 188/1 188/18 188/21 191/16 191/19 222/21 230/14 233/1 244/21</p> <p>Evidently [1] 221/23</p> <p>ex [3] 9/9 26/16 120/20</p> <p>ex-wife [1] 9/9</p> <p>exact [2] 184/1 243/13</p> <p>exactly [8] 8/7 63/17 77/22 82/1 161/20 204/22 236/25 237/1</p> <p>examination [14] 3/13 68/1 145/1 148/18 150/11 153/2 153/6 165/9 184/20 191/8 205/17 223/1 228/13 241/1</p> <p>example [4] 147/25 162/8 167/17 181/14</p> <p>examples [1] 234/23</p> <p>except [5] 88/21 91/20 115/19</p>	<p>190/25 200/22</p> <p>excessively [1] 152/17</p> <p>exchange [4] 5/8 57/19 97/21 109/13</p> <p>exchanged [1] 77/12</p> <p>excuse [17] 44/7 44/9 44/10 69/6 72/2 89/20 97/9 103/12 103/13 108/12 128/1 141/1 176/14 184/10 184/11 194/19 199/15</p> <p>excused [2] 241/22 243/7</p> <p>excusing [3] 103/10 184/8 241/21</p> <p>executed [3] 4/19 216/19 216/21</p> <p>exhibit [73] 8/24 9/2 9/21 11/17 11/22 12/19 14/5 18/15 18/18 18/24 20/17 22/25 25/2 25/10 26/6 26/25 29/10 30/10 32/14 32/15 32/21 33/1 33/3 33/7 33/12 33/13 34/5 34/6 34/12 34/13 34/16 34/20 34/23 35/6 35/13 37/20 38/24 39/14 42/16 46/12 47/24 48/2 49/17 50/25 51/5 59/21 61/7 62/12 65/24 66/3 66/8 66/14 96/9 105/15 105/24 120/5 133/9 133/16 134/1 137/7 201/7 206/24 211/4 211/17 212/1 212/14 212/22 213/5 213/13 220/4 232/25 233/24 236/3</p> <p>Exhibit 1B [1] 211/4</p> <p>Exhibit 1F [1] 212/22</p> <p>Exhibit IND-44 [1] 59/21</p> <p>Exhibit IND-50 [1] 61/7</p> <p>Exhibit IND-79 [1] 66/3</p> <p>exhibits [4] 4/2 4/4 222/21 235/3</p> <p>expect [3] 242/24 243/3 243/14</p> <p>expecting [1] 216/14</p> <p>explain [6] 35/23 52/19 155/19 169/1 238/4 239/12</p> <p>expressly [1] 200/24</p> <p>extended [1] 121/7</p> <p>extent [2] 7/21 226/5</p> <p>Extremely [1] 157/22</p> <p>F</p> <p>face [11] 33/25 33/25 38/20 38/20 90/12 90/14 90/18 90/21 131/15 169/16 233/9</p> <p>FaceTime [7] 34/1 34/2 34/11 34/15 34/19 35/1 35/8</p> <p>facilities [2] 71/17 73/15</p> <p>facility [2] 73/10 73/11</p> <p>facing [5] 83/14 84/11 84/14 84/15 238/23</p> <p>fact [18] 36/1 57/11 57/12 58/3 67/19 69/22 79/3 100/12 113/12 122/2 133/3 137/2 140/11 165/14 171/21 178/17 201/22 206/20</p> <p>facts [4] 91/19 91/20 140/21 143/2</p> <p>factual [1] 217/15</p> <p>failed [1] 110/1</p> <p>fails [1] 110/17</p> <p>fair [2] 35/5 158/3</p>	<p>fairly [2] 137/25 147/8</p> <p>faith [2] 124/6 124/10</p> <p>fake [2] 183/7 204/20</p> <p>falling [1] 95/11</p> <p>familiar [2] 12/24 155/12</p> <p>familiarity [1] 227/10</p> <p>family [10] 31/22 95/19 133/19 134/13 134/13 134/17 134/19 134/22 134/24 145/11</p> <p>fantasies [1] 174/24</p> <p>far [20] 13/8 32/12 35/22 56/7 95/1 99/4 115/25 116/4 133/7 155/4 155/14 158/15 159/1 159/19 176/3 176/6 178/5 179/12 182/18 190/4</p> <p>Fargo [5] 51/16 52/17 56/25 137/22 138/18</p> <p>fashion [1] 68/14</p> <p>fast [3] 37/12 44/20 58/13</p> <p>fast-forward [3] 37/12 44/20 58/13</p> <p>faster [1] 109/1</p> <p>Fats [1] 22/4</p> <p>FCRR [2] 1/23 245/5</p> <p>fear [1] 58/7</p> <p>February [5] 8/3 44/20 112/15 117/13 122/5</p> <p>February 22nd [1] 44/20</p> <p>February 8th [1] 8/3</p> <p>federal [21] 1/24 21/12 83/5 83/17 83/23 84/14 85/8 85/17 100/20 100/21 116/11 142/13 144/8 158/13 216/9 218/1 222/10 228/25 232/3 232/8 245/7</p> <p>federal government [3] 83/5 142/13 144/8</p> <p>federally [1] 43/5</p> <p>feds [2] 100/16 226/8</p> <p>feel [3] 115/12 181/21 244/16</p> <p>feet [5] 56/10 56/10 155/5 155/6 181/2</p> <p>fell [3] 56/6 56/16 56/17</p> <p>felt [5] 34/3 57/16 58/21 132/1 181/20</p> <p>female [9] 22/11 26/17 45/20 46/17 137/9 173/13 174/9 175/8 175/25</p> <p>females [1] 136/21</p> <p>Fess [1] 101/12</p> <p>few [12] 20/10 20/24 21/7 37/12 49/15 53/22 59/19 101/10 166/14 168/11 176/5 224/19</p> <p>fiancée [1] 95/14</p> <p>field [1] 11/11</p> <p>fight [1] 128/10</p> <p>figure [2] 24/13 243/25</p> <p>file [1] 233/1</p> <p>filed [1] 146/5</p> <p>film [2] 128/2 175/14</p> <p>finally [4] 40/3 213/12 217/2 217/5</p> <p>find [10] 22/18 22/23 38/16 49/24 57/22 62/15 141/9 160/5 191/14 233/21</p> <p>fine [5] 43/22 43/25 103/20 104/15 104/19</p> <p>Finey [1] 39/23</p>
---	---	--

F			G		
finger [5] 14/11 88/23 91/14 91/23 94/17			form [2] 157/8 207/13 forth [6] 134/23 135/1 135/9 179/24 180/13 180/14		
fingered [1] 92/2			forty [1] 231/7		
fingertips [1] 243/13			forty-five [1] 231/7		
finish [7] 43/23 104/2 104/5 104/6 115/6 242/4 242/16			forward [4] 37/12 44/20 58/13 144/4		
finished [1] 242/17			fought [1] 38/6		
fire [3] 61/25 155/20 155/20			found [12] 4/22 50/7 54/16 60/8 112/3 126/8 129/23 133/2 140/2 183/18 215/15 216/21		
firearm [8] 86/20 87/5 107/4 119/24 156/6 159/5 159/10 159/12			foundation [2] 27/17 134/8		
firearms [7] 6/21 59/4 119/18 119/21 154/20 155/15 216/22			Fountains [1] 11/10		
fired [7] 18/10 78/4 155/2 156/2 156/8 199/2 199/22			four [9] 10/10 37/7 75/2 75/13 160/20 161/15 220/16 231/7 242/20		
firing [2] 156/10 156/11			four-year [1] 160/20		
first [50] 4/15 8/2 20/17 24/20 26/12 33/2 33/18 38/8 44/7 46/7 48/25 50/2 50/6 59/20 66/13 72/5 72/10 77/23 84/20 89/5 89/14 95/7 101/5 104/10 104/18 106/14 106/20 110/14 110/22 116/11 146/2 149/8 154/23 154/24 155/4 161/5 165/17 174/19 193/1 193/7 193/8 193/12 212/2 221/19 228/17 234/1 235/2 235/2 236/3 243/9			fourth [1] 185/2		
first-degree [2] 106/14 106/20			frame [13] 57/20 75/23 101/22 112/15 112/25 122/22 122/24 132/25 135/4 162/5 184/1 226/25 230/12		
first-degree murder [1] 110/14			Frazier [2] 2/11 223/21		
Fish [12] 32/13 32/17 32/18 32/19 33/5 38/3 38/6 42/6 42/6 130/23 130/25 131/1			freaking [1] 43/6		
five [6] 37/7 123/10 123/11 208/5 208/6 231/7			free [3] 75/8 157/14 244/16		
fix [3] 64/25 65/12 101/17			freedom [3] 92/23 94/2 203/1		
fixed [2] 63/24 64/1			frequently [2] 117/10 127/5		
flattened [1] 18/1			Friday [1] 244/15		
flip [2] 108/25 234/5			friend [7] 22/11 45/25 60/10 89/3 129/2 172/22 173/12		
Floor [1] 1/24			friends [2] 35/16 172/9		
flyer [2] 25/12 25/16			front [7] 4/7 10/14 14/7 56/2 98/6 219/18 221/7		
Flynn [5] 81/7 81/9 87/21 116/18 207/4			fronted [2] 27/16 28/5		
Flynn's [1] 207/17			fuckin' [1] 41/19		
focus [1] 18/9			fulfill [1] 110/25		
focused [2] 174/6 205/24			full [4] 100/6 108/9 109/8 226/5		
fold [1] 224/6			fullest [1] 7/21		
folder [1] 4/4			fully [11] 84/21 84/25 96/12 100/5 107/15 107/21 108/9 109/8 112/24 142/5 209/17		
follow [4] 107/10 107/11 110/2 170/1			fun [2] 129/20 129/22		
followed [3] 77/24 174/1 239/16			function [1] 170/20		
following [2] 176/11 239/1			further [10] 67/21 74/15 116/9 138/3 165/6 184/5 205/12 222/19 227/24 240/22		
Food [1] 174/18			furthest [1] 10/13		
footage [3] 4/9 12/16 13/1			G		
forced [1] 166/22			Gale [20] 6/19 76/21 77/17 77/19 80/9 80/14 81/17 85/21 88/7 90/6 105/7 106/14 107/6 108/3 108/6 110/14 112/17 186/20 186/21 186/24		
forecast [1] 242/10			Gale's [2] 77/5 77/9		
foregoing [1] 245/2			gallery [4] 44/10 68/10 103/13 184/11		
Forest [10] 28/16 40/19 61/16 126/4 126/12 164/2 195/22 206/6 206/11 223/4			Gambino [16] 37/25 38/6 38/18 39/19 40/22 41/5 41/16 41/17 137/14 149/23 150/7 196/14 196/15 196/16 196/19 196/20		
Forest Park [9] 28/16 40/19 61/16 126/4 126/12 164/2 195/22 206/6 223/4			gang [24] 20/21 22/22 26/5 31/22 36/19 37/24 38/10 38/11 40/23 42/14 49/11 52/3 52/4 52/12 60/3 66/22 70/1 77/23 167/24 170/5 171/17 234/22 236/1 238/7		
forgot [2] 3/19 205/1			gangbang [1] 38/1		
			gangs [4] 166/16 169/25 170/1 170/5		
			Garber [2] 87/18 114/23		
			Garrett [1] 39/11		
			gas [20] 8/4 8/8 8/8 10/13 10/14 10/20 11/14 12/14 12/25 14/4 14/7 29/2 30/20 122/5 125/7 125/18 126/2 126/16 137/25 173/20		
			Gates [2] 227/14 228/4		
			gather [1] 178/14		
			gathered [1] 188/23		
			gathering [1] 138/7		
			gauge [2] 121/16 203/23		
			gave [25] 23/13 23/16 23/19 45/25 48/11 79/4 88/22 101/6 102/12 121/19 173/8 175/13 175/22 175/22 176/25 177/1 177/1 181/19 192/18 192/19 192/21 196/17 214/14 225/3 225/20		
			general [3] 147/24 180/20 242/19		
			generally [2] 4/3 150/11		
			generated [1] 215/22		
			gentleman [2] 140/8 141/8		
			gentlemen [5] 44/4 73/22 74/25 132/12 242/14		
			Gerber [3] 88/13 114/23 132/11		
			get [105] 5/4 7/2 13/10 13/14 23/14 26/1 26/10 27/12 27/23 32/1 36/3 43/4 46/2 52/20 52/22 52/23 53/14 54/5 56/18 57/7 58/2 58/18 58/22 64/23 65/13 67/5 71/23 73/6 75/3 80/8 80/21 82/9 82/11 82/25 83/1 83/11 83/15 84/21 84/25 87/24 91/6 91/16 93/16 93/21 96/3 97/1 97/1 97/3 97/8 98/4 98/25 102/24 103/21 109/1 109/14 110/20 111/2 111/21 112/7 115/15 116/16 118/5 118/8 118/8 118/9 124/17 128/23 130/15 135/6 138/4 138/5 138/12 139/20 139/20 140/14 143/17 143/18 143/20 143/21 144/1 144/3 144/7 147/1 148/3 165/3 169/14 170/8 180/5 192/15 202/22 209/23 210/2 211/14 211/23 212/19 213/2 213/10 213/18 214/10 216/15 228/1 228/7 233/20 243/15 244/10		
			gets [1] 157/1		
			gettin' [6] 41/15 118/9 171/7 173/22 177/15 223/14		
			getting [20] 27/18 63/1 63/13 114/9 138/15 147/2 158/15 168/7 181/12 181/22 181/22 181/25 187/6 190/2 198/9 199/2 199/21 233/21 239/19 239/24		
			girl [1] 23/15		
			girlfriend [2] 129/19 129/21		
			give [28] 5/15 45/1 46/3 82/22 82/25 83/1 83/10 83/12 83/23 88/1 98/1 99/19 99/22 99/24 100/1 101/19 111/13		

<p>G give... [11] 149/24 150/2 150/6 150/7 176/14 176/17 177/7 181/15 192/8 192/13 243/9 given [13] 109/23 125/16 135/2 136/3 145/25 173/12 173/13 180/8 216/6 220/13 226/15 229/3 238/5 gives [1] 111/17 giving [8] 21/4 79/22 99/16 100/3 100/4 112/23 177/16 194/4 glove [1] 159/15 go [62] 12/3 12/11 22/10 32/13 39/14 43/15 47/9 50/13 51/21 52/20 52/21 52/23 52/23 53/14 54/15 54/21 56/23 64/13 67/10 69/9 70/8 70/12 71/8 71/11 71/13 71/23 75/10 77/1 78/9 80/24 87/10 88/4 103/15 104/3 104/9 104/18 111/11 116/9 123/14 124/17 127/5 127/7 127/22 131/23 137/19 138/4 143/6 143/12 143/14 144/11 164/8 164/14 169/3 176/6 186/12 187/10 210/1 210/18 220/18 224/10 224/10 224/24 goes [1] 178/12 going [166] 4/1 4/12 8/15 8/24 9/2 9/21 11/17 11/22 12/5 12/19 12/20 14/5 14/15 14/15 14/17 14/21 15/10 15/18 16/11 17/8 17/18 18/2 18/5 18/15 18/18 18/24 19/3 19/6 19/10 19/13 19/16 19/19 22/25 23/14 24/13 25/2 25/10 26/6 26/24 29/4 29/9 29/10 32/14 32/14 32/21 33/1 33/2 33/7 33/12 34/5 34/12 34/16 34/20 34/23 35/2 35/6 35/13 35/18 37/20 38/8 39/5 39/14 42/16 43/4 43/7 43/22 44/5 46/7 46/12 47/24 48/2 49/4 49/17 50/25 51/15 51/21 52/21 53/14 53/25 53/25 57/23 60/24 61/6 62/18 65/3 65/12 65/23 66/2 66/8 70/12 82/11 83/19 91/15 93/5 94/17 95/9 95/22 97/3 97/12 103/8 103/21 104/3 104/4 105/11 108/25 109/2 109/14 110/7 110/20 112/14 113/10 116/14 116/16 117/12 120/4 133/8 133/8 133/25 137/6 138/12 140/25 143/12 144/7 145/14 145/19 145/25 149/12 150/16 151/25 157/17 157/18 158/16 159/5 160/22 161/21 164/17 171/25 178/16 185/1 185/3 185/4 187/10 196/1 198/9 205/9 205/24 206/23 207/11 207/19 208/10 208/25 211/3 211/16 213/20 216/14 217/2 217/2 220/3 220/5 222/18 224/16 232/7 233/4 233/23 234/22 242/17 Gold [1] 22/4</p>	<p>gone [5] 79/23 102/4 135/2 147/9 185/2 gonna [1] 43/15 good [24] 3/3 3/10 3/15 43/21 47/13 63/5 68/3 103/6 103/7 118/24 124/6 124/10 145/3 145/4 146/20 165/11 181/19 181/22 184/6 184/22 184/23 205/19 205/20 242/7 good-faith [2] 124/6 124/10 gosh [1] 102/24 got [92] 8/1 9/9 9/13 9/15 9/18 10/6 12/10 14/12 14/13 22/18 27/15 27/24 28/2 28/9 30/4 30/5 36/1 37/24 38/12 38/17 42/7 43/2 46/11 47/18 49/24 50/5 50/16 50/17 51/18 57/6 57/6 57/17 58/10 58/14 58/15 60/2 61/24 63/2 72/8 72/9 72/10 72/23 74/20 78/3 78/12 80/21 83/23 95/12 97/22 99/7 99/12 99/22 100/20 103/22 112/2 115/7 115/16 118/19 118/23 120/2 128/23 135/18 138/4 138/21 142/5 147/3 148/11 149/23 167/20 168/11 168/12 170/12 174/15 175/25 178/2 183/14 197/25 198/17 198/21 203/4 210/17 210/19 214/11 214/14 216/17 216/19 221/12 227/1 229/6 229/11 232/19 232/24 gotten [4] 50/11 118/13 228/15 232/16 government [18] 69/10 70/9 70/10 83/5 96/10 99/15 106/25 122/9 142/13 144/8 146/5 146/13 146/17 147/5 183/24 201/8 206/2 235/9 GOVERNMENT'S [53] 3/9 4/2 8/24 9/2 9/21 11/17 11/22 12/19 14/5 18/15 18/18 18/24 20/17 22/25 25/2 26/6 26/25 29/10 30/10 32/15 32/21 33/1 33/3 33/7 33/12 34/5 34/12 34/16 34/20 34/23 35/6 35/13 37/20 38/24 42/16 46/12 47/24 48/2 49/17 50/25 51/5 59/20 61/6 62/12 66/2 66/8 66/14 134/5 156/25 201/7 232/25 233/24 244/21 Government's Exhibit BUY-1 [1] 46/12 Government's Exhibit BUY-1A [1] 47/24 Government's Exhibit BUY-1B [1] 48/2 Government's Exhibit IC [1] 9/21 Government's Exhibit IC-103 [1] 34/12 Government's Exhibit IC-104 [1] 34/16 Government's Exhibit IC-105 [1] 34/20 Government's Exhibit IC-111 [1] 34/23 Government's Exhibit IC-114 [1] 35/6</p>	<p>Government's Exhibit IC-115 [1] 8/24 Government's Exhibit IC-116 [1] 9/2 Government's Exhibit IC-125 [1] 232/25 Government's Exhibit IC-26 [1] 33/3 Government's Exhibit IC-67 [1] 33/12 Government's Exhibit IC-75 [1] 49/17 Government's Exhibit IC-89 [1] 34/5 Government's Exhibit IND-20 [1] 50/25 Government's Exhibit IND-27 [1] 20/17 Government's Exhibit IND-45 [1] 51/5 Government's Exhibit IND-5 [1] 35/13 Government's Exhibit IND-51 [2] 30/10 37/20 Government's Exhibit IND-55 [1] 11/22 Government's Exhibit IND-56 [1] 32/15 Government's Exhibit IND-58 [1] 42/16 Government's Exhibit IND-67 [1] 29/10 Government's Exhibit IND-70 [1] 32/21 Government's Exhibit IND-80 [1] 22/25 Government's Exhibit IND-81 [1] 26/6 Government's Exhibit IND-84 [1] 66/14 Government's Exhibit IND-90 [2] 33/1 33/7 Government's Exhibit IND-92 [1] 11/17 Government's Exhibit JAIL-1 [1] 62/12 Government's Exhibit MAP-22 [1] 14/5 Government's Exhibit MISC-4 [1] 38/24 Government's Exhibit SF-4 [1] 12/19 Government's Exhibit SF-4-A [1] 18/15 Government's Exhibit SF-4-B [1] 18/18 Government's Exhibit SF-4-D [1] 18/24 Government's Exhibit SM-10 [1] 26/25 Government's Exhibit SM-22 [2] 25/2 201/7 Government's Exhibit SM-40 [1] 66/8 Government's Exhibits SF-1 [1] 4/2 GP [1] 133/8 GP-2A [1] 133/8 grams [6] 162/10 162/12</p>
--	--	---

G			H		
grams... [4] 162/13 176/18 204/7 204/10			hack [4] 9/13 9/15 13/16 78/22		
grand [6] 183/25 219/15 219/18 221/8 222/4 222/6			had [155] 17/16 20/8 21/14 22/22 24/6 26/18 28/4 28/5		
grand jury [6] 183/25 219/15 219/18 221/8 222/4 222/6			28/5 30/1 30/14 31/4 32/8 33/25 37/15 38/13 38/18 40/18		
grave [2] 186/4 186/12			43/3 43/14 46/1 48/10 50/11 50/12 52/7 56/20 57/5 57/13		
great [1] 134/22			57/23 58/4 58/21 58/25 60/8 63/24 63/25 63/25 64/3 65/1		
green [1] 202/4			70/19 71/1 75/6 75/7 76/1 76/4 76/7 76/9 79/23 80/10		
grew [1] 232/24			81/7 83/10 83/12 83/13 87/12 90/5 90/5 90/8 90/14 93/18		
grip [1] 121/12			96/18 98/15 102/4 102/17 103/18 105/6 107/9 107/10		
ground [1] 56/16			107/10 107/15 107/21 108/1 108/12 112/2 112/3 112/6		
group [2] 161/8 167/2			112/9 113/16 113/20 113/21 115/18 119/6 119/23 128/17		
groups [1] 163/17			130/3 131/4 133/23 147/5 148/6 152/13 154/19 158/20		
grow [1] 224/8			159/14 170/23 171/17 171/22 174/24 176/1 176/15 176/18		
guaran [1] 97/15			178/3 182/2 183/24 185/16 186/3 187/16 188/6 189/18		
guarantee [3] 95/24 95/25 111/9			189/19 191/9 191/9 191/16 191/25 193/21 196/2 196/8		
guaranteeing [1] 97/5			196/19 197/5 197/6 197/6 198/18 200/17 200/25 201/2		
Guerilla [1] 31/22			202/11 202/24 203/1 203/3 203/10 203/15 203/18 203/23		
guess [12] 77/5 87/10 97/21 113/16 121/11 123/19 133/1 134/16 143/16 172/12 175/22 192/17			203/25 204/18 204/24 214/17 214/25 217/6 218/8 218/12		
guessing [2] 114/16 132/24			221/16 221/21 222/4 227/3 228/5 229/3 229/21 232/12		
guilty [4] 6/12 6/15 106/14 111/25			232/23 234/19 234/21 235/1 238/16 239/18 242/3 242/14 243/16		
gun [51] 8/14 8/16 10/19 10/24 10/24 11/12 17/4 21/14 21/15 33/16 54/13 72/6 72/17 72/19 77/16 85/21 85/25 86/1 86/3 86/6 86/17 86/18 86/22 86/23 87/2 87/8 87/9 107/3 118/4 118/5 118/10 120/15 121/13 121/14 122/12 122/15 123/24 124/2 124/15 125/7 125/16 125/16 125/17 140/2 169/1 169/6 171/17 171/19 196/17 197/5 202/5			Haddon [4] 178/24 179/1 179/2 179/4		
guns [26] 4/23 4/25 5/4 5/8 5/19 5/22 5/24 6/2 21/7 28/21 32/6 32/8 53/14 57/5 82/5 171/22 183/20 201/13 201/20 226/19 227/9 227/10 227/19 227/20 228/3 233/21			Haddon Avenue [1] 178/24		
Gutta [107] 4/6 8/11 8/14 8/17 8/20 8/22 9/1 9/4 9/6 10/16 10/19 10/24 11/6 11/12 12/6 13/2 13/9 15/13 15/13 17/4 17/17 18/10 18/13 20/15 20/22 20/24 21/6 21/9 21/11 21/17 24/12 24/19 25/18 25/21 26/9 26/12 26/13 26/16 26/18 27/12 27/15 27/22 27/24 28/2 28/5 31/19 31/24 33/5 33/19 33/21 33/23 34/8 34/15 34/19 35/1 35/8 35/9 35/16 36/1 36/8 36/8 36/13 36/19 36/22 36/24 37/6 38/12 38/16 39/12 40/7 40/14 41/23 42/2 43/9 43/12 49/12 49/14 50/22 54/1 54/11 54/13 54/22 55/18 55/22 56/18 58/4 62/1 65/20 66/11 66/17 67/2 127/21 130/22 131/3 131/5 131/7 138/21 149/23 159/11 159/13 162/16 197/9 197/12 197/17 233/8			Haddon Road [1] 179/2		
			hadn't [4] 186/3 217/12		

H	Case 1:16-cr-00267-LKG Document 1358 Filed 11/21/19 Page 261 of 283	61/4 64/11 64/11 70/7 89/9 89/10 89/12 91/10 91/12 91/12 109/22 131/1 131/10 131/15 136/23 139/14 139/16 145/20 145/21 154/7 161/12 174/20 186/24 197/21 221/12 229/18 229/21 hearing [4] 60/18 86/17 100/4 110/22 hearsay [3] 96/14 149/12 154/6 heights [11] 48/22 49/10 50/10 50/13 54/18 59/25 164/7 166/2 166/3 166/6 194/20 held [2] 26/15 40/15 help [6] 82/19 95/8 97/16 98/25 109/19 144/18 helped [1] 13/10 helping [2] 13/14 112/21 helps [1] 158/5 her [25] 22/15 22/16 35/24 45/25 46/2 46/19 92/13 92/22 94/1 94/4 94/6 94/10 99/6 102/12 120/21 120/23 121/11 130/10 135/25 136/18 136/19 136/20 203/2 203/8 235/2 here [90] 4/8 6/10 8/25 9/3 9/11 13/3 13/4 13/13 13/18 14/6 14/13 14/14 15/1 15/11 16/18 16/22 17/11 17/13 18/9 18/20 25/11 27/1 28/11 33/4 33/15 34/7 38/25 39/3 39/6 39/8 39/10 39/15 39/17 39/20 39/22 39/24 40/1 40/3 40/9 40/11 46/17 47/2 47/15 47/17 47/25 54/23 54/23 55/24 56/3 63/12 63/12 66/9 69/13 90/15 90/17 93/6 93/24 94/17 102/21 102/23 110/10 110/11 110/12 110/12 110/13 119/14 140/23 146/19 147/1 150/22 151/11 153/6 160/14 185/18 189/21 193/19 205/23 208/13 209/3 209/12 209/14 225/8 233/7 234/1 234/5 234/7 242/9 242/20 242/21 243/1 hereby [1] 245/1 heroin [26] 101/19 113/24 113/25 117/14 117/19 147/19 147/21 147/22 148/1 148/6 148/10 148/12 149/5 149/5 150/25 151/2 151/5 152/6 152/10 152/16 162/20 177/22 183/21 204/8 204/10 237/14 hey [3] 102/5 115/7 120/2 hid [2] 113/14 140/15 hide [2] 113/18 140/11 hidin' [1] 55/5 hiding [1] 58/16 high [4] 32/19 101/15 177/15 183/20 high-ranking [1] 32/19 highway [1] 178/7 hill [16] 88/15 89/8 90/2 90/8 91/9 100/8 100/9 100/22 101/11 101/23 102/6 140/12 140/16 168/23 185/5 217/6 him [170] 4/7 7/9 7/11 9/4 9/11 16/25 21/1 21/3 21/4	21/5 21/13 21/13 21/14 23/13 23/14 23/16 24/16 26/21 27/15 27/22 27/22 28/22 30/14 36/11 37/25 38/1 38/3 38/5 38/6 38/7 41/20 42/6 42/7 43/3 43/3 43/8 43/8 43/24 45/12 45/15 45/25 46/4 47/19 47/20 53/7 53/9 53/11 53/12 53/13 53/15 53/17 53/21 53/24 54/5 54/21 54/22 55/8 56/11 57/9 57/12 57/15 58/1 58/2 58/3 60/11 60/12 60/16 60/22 60/23 61/2 61/3 61/4 61/19 62/2 66/11 66/18 67/13 91/8 91/23 92/2 92/7 96/15 105/22 106/1 107/16 113/16 115/5 115/15 117/4 117/7 117/10 125/16 126/17 129/4 129/5 129/6 129/7 131/4 132/1 132/4 138/14 138/16 138/18 138/21 138/25 141/14 148/23 148/25 149/2 149/5 149/5 151/1 152/6 155/9 155/9 155/11 155/20 155/21 156/11 156/25 157/8 157/9 157/14 157/18 158/2 158/3 159/14 159/21 159/25 160/4 160/5 160/7 160/10 160/12 160/14 160/15 160/21 161/19 161/23 162/1 164/9 164/11 169/11 172/24 174/1 174/1 174/2 174/5 175/13 175/22 177/7 180/6 193/24 195/10 196/12 196/17 222/16 223/23 232/24 233/19 234/17 234/18 234/19 234/21 234/22 235/1 235/21 239/6 239/16 239/16 his [41] 3/5 7/8 9/6 9/14 13/10 18/1 18/14 28/7 31/6 35/24 56/5 67/7 76/21 105/22 127/22 129/19 129/24 131/5 136/4 154/25 155/1 157/3 157/5 157/9 157/13 157/23 157/24 158/8 161/24 164/7 164/13 164/14 174/15 195/12 195/13 195/15 195/16 195/16 220/13 233/9 237/9 hissself [1] 115/16 history [4] 39/4 157/4 157/10 184/2 hit [2] 42/7 148/3 hits [2] 174/9 174/12 Hoffman [8] 1/15 3/12 44/17 123/1 193/1 193/13 193/20 227/5 hold [1] 64/19 holdin' [1] 33/16 holding [4] 120/13 120/25 121/14 202/5 holler [2] 160/9 164/15 Hollywood [1] 233/8 home [13] 71/5 90/23 127/18 129/18 148/11 168/18 168/19 178/2 178/5 197/7 198/25 203/4 236/20 Homicide [4] 23/25 24/3 243/15 244/10 homies [11] 20/24 37/8 40/19 40/20 49/15 50/24 60/4 60/11
---	---	---	--

H			I		
homies... [3] 116/2 161/23 164/15			I'd [6] 62/11 62/14 140/5 161/23 201/6 230/10		
honest [11] 7/24 83/14 84/24 85/4 85/7 85/9 142/22 143/13 144/5 157/3 177/12			I'll [24] 4/15 8/17 44/7 47/9 65/23 82/14 88/1 92/23 96/9 103/20 104/22 106/4 108/16 133/15 133/15 137/6 144/3 147/10 147/12 149/15 156/22 160/5 239/13 240/9		
honestly [2] 42/24 111/23			I'm [201] 4/1 4/12 5/25 6/24 6/24 8/24 9/2 9/21 9/21 11/17 11/22 12/19 12/19 14/5 14/15 14/15 14/16 14/17 15/10 15/18 17/8 18/5 18/15 18/18 18/19 18/24 19/3 19/6 19/10 19/13 19/16 19/19 22/20 22/25 25/2 25/10 26/6 26/24 28/4 29/9 29/10 30/9 32/14 32/14 32/21 33/1 33/2 33/7 33/12 34/5 34/12 34/16 34/20 34/22 34/23 35/2 35/6 35/13 35/18 37/13 37/20 39/5 39/14 42/10 42/16 43/22 43/23 46/7 46/12 46/21 47/24 48/2 49/4 49/17 50/25 51/5 60/24 61/6 62/18 63/2 63/21 64/2 64/10 64/16 65/23 66/2 66/8 68/3 68/17 68/25 70/12 72/2 79/17 80/21 84/8 84/15 92/9 92/22 93/5 93/24 94/1 94/17 95/11 95/22 97/3 103/22 105/11 108/25 109/2 110/7 112/14 114/16 114/16 116/7 119/9 120/4 123/3 123/5 124/6 124/11 124/18 132/10 133/8 133/8 133/25 134/2 134/6 137/3 137/6 137/9 141/2 144/6 146/1 146/7 150/16 153/14 156/7 157/2 157/17 157/18 158/1 158/16 161/22 162/17 164/1 164/3 169/1 179/2 180/22 185/1 185/4 187/5 187/10 188/9 194/19 196/1 198/9 200/2 200/11 201/8 202/4 205/22 205/22 205/23 205/24 206/23 207/11		
honesty [2] 58/23 142/24			I've [26] 37/7 60/22 61/4 70/5 70/7 85/3 86/21 109/22 109/22 117/25 118/3 123/13 125/11 125/15 125/16 126/9 131/1 142/5 144/5 144/13 145/21 149/1 152/10 152/11 153/25 221/23		
Honor [62] 3/5 7/8 20/11 25/23 36/16 43/17 43/23 52/9 62/20 63/8 66/19 67/24 93/1 94/14 96/5 96/8 96/12 96/17 103/24 104/7 104/14 105/4 105/18 106/4 124/18 144/21 144/24 147/10 149/10 149/15 151/7 151/10 151/13 151/15 151/21 152/24 156/16 156/18 156/22 157/18 158/1 158/10 165/7 182/13 184/19 187/4 187/8 205/13 205/16 206/25 210/23 220/16 222/20 222/21 228/12 234/9 234/11 235/24 237/8 240/9 241/19 243/11			IC [15] 8/24 9/2 9/21 33/3 33/12 34/5 34/12 34/16 34/20 34/23 35/2 35/6 35/18 49/17 232/25		
HONORABLE [1] 1/11			iCloud [7] 33/13 34/6 34/13 34/17 34/21 34/24 233/1 icloud.com [1] 34/13		
Hood [26] 53/6 53/15 57/7 57/12 57/19 57/22 88/21 89/6 117/1 119/17 122/3 138/11 138/14 139/6 139/18 140/17 141/9 152/3 152/4 179/22 179/24 180/13 180/17 180/21 229/2 233/18			idea [5] 51/22 64/21 84/5 84/8 238/23		
hoodie [1] 90/11			identification [24] 96/20 105/22 106/1 106/5 108/18 133/11 133/12 133/14 134/3 134/6 206/24 207/12 211/4 211/17 212/1 212/15 212/22 213/5 213/13 220/5 234/11 234/16 235/6 236/2		
hope [5] 83/1 143/20 143/23 143/23 144/7			identified [6] 27/9 184/25 235/5 235/15 235/21 235/25		
hopeful [1] 142/9			identify [1] 91/3		
hoping [3] 43/23 82/11 233/19			identifying [3] 153/18 153/21 235/16		
Hornes [2] 137/17 140/8			identity [2] 91/1 165/22		
hospital [6] 76/25 78/9 78/10 78/15 78/16 79/7			III [1] 1/13		
hostile [1] 77/14			illegal [5] 108/10 108/11 109/9 109/11 163/10		
hot [4] 173/22 223/12 239/19 239/24			image [1] 34/10		
hours [1] 225/14			immediately [5] 18/10 31/7 41/16 155/7 198/23		
house [32] 4/20 4/23 5/19 12/5 18/14 20/1 22/15 26/15 26/16 121/18 121/18 127/22 128/7 134/19 140/5 153/22 153/25 160/3 183/18 191/25 192/3 192/4 192/8 192/11 192/22 193/9 193/14 193/21 194/1 194/21 194/24 216/19			immunity [1] 84/25		
housed [1] 36/5			impacted [3] 240/2 240/13 240/16		
Hoven [2] 68/10 84/6			impeach [1] 96/15		
how [99] 4/25 9/8 10/9 13/22 20/14 20/23 24/11 24/13 30/19 30/19 30/23 32/3 33/23 36/13 36/24 37/2 37/5 38/16 38/20 41/11 41/13 42/4 42/4 42/5 42/8 43/15 45/11 45/11 45/23 47/6 48/15 49/24 53/21 55/25 56/7 64/15 68/16 68/22 70/17 71/1 73/6 73/8 74/22 77/21 77/22 78/3 78/19 78/21 92/13 98/11 99/3 101/7 101/9 117/10 118/2 118/5 118/11 123/6 123/8 123/17 127/5 127/16 127/19 128/25 129/4 132/16 148/9 148/9 149/20 149/20			implemented [1] 38/13		
			important [5] 7/22 82/17 132/13 151/19 214/10		
			impression [2] 57/17 135/3		
			improper [3] 7/12 225/17 235/3		
			improperly [1] 135/3		
			incarcerated [7] 28/2 36/2 36/3 59/10 88/19 93/10 94/6		
			incentive [2] 112/9 214/17		
			incentives [1] 214/25		
			incident [10] 15/9 77/1 77/8 79/11 81/17 105/8 216/7 227/14 227/18 228/4		
			include [1] 139/3		
			included [1] 107/13		
			Including [1] 164/19		
			income [1] 215/7		
			IND [23] 9/22 11/17 11/22		

I				J			
IND... [20] 20/17 22/25 26/6				jail [32] 62/12 62/13 62/16			
29/10 30/10 32/15 32/21 33/1				70/14 71/8 71/11 71/13 74/14			
33/7 35/13 37/20 42/16 49/4				80/24 82/9 82/18 82/23 83/2			
50/25 51/5 59/21 60/24 61/7				83/11 91/6 91/16 92/9 92/10			
66/3 66/14				93/21 98/4 102/24 129/15			
IND-13 [1] 49/4				143/21 144/7 144/9 144/11			
IND-54 [1] 60/24				198/13 224/13 226/25 227/1			
IND-94 [1] 9/22				228/1 228/7			
indeed [2] 104/17 109/6				jail call [1] 62/16			
INDEX [1] 244/21				jail calls [1] 62/13			
indicate [1] 14/10				Jakey [1] 49/19			
indicated [13] 7/3 21/16 26/9				jam [3] 86/1 86/3 87/2			
30/13 41/24 77/2 78/9 96/10				Jamal [1] 2/6			
125/24 138/10 142/9 223/8				Jamal Lockley [1] 2/6			
224/18				James [2] 89/1 125/19			
indicating [50] 14/13 14/14				James Edwards [2] 89/1 125/19			
15/1 15/12 15/19 15/23 16/2				jammed [8] 85/21 85/25 86/6			
16/9 16/18 16/23 17/12 17/13				86/20 86/22 86/24 87/8 87/9			
17/21 18/9 39/3 39/6 39/8				jamming [1] 86/17			
39/10 39/15 39/17 39/20 39/22				January [24] 75/19 75/20			
40/1 40/3 40/9 68/7 90/15				76/15 76/20 78/14 85/10 85/15			
90/17 94/18 95/23 110/10				85/17 88/16 116/10 150/18			
110/11 110/12 110/12 110/13				151/3 151/25 199/24 200/4			
110/16 137/10 165/15 168/23				200/7 200/10 200/15 201/19			
169/6 202/2 205/22 208/14				201/25 210/12 226/15 228/24			
208/17 209/1 209/2 209/7				236/24			
209/13 209/14 221/17				January 12th [3] 200/7 200/15			
indicted [2] 8/1 241/14				201/19			
indictment [4] 84/16 84/16				January 14th [5] 76/20 78/14			
103/15 161/6				151/3 151/25 236/24			
individual [2] 77/2 153/19				January 2016 [4] 85/17 200/4			
individuals [2] 15/7 232/15				200/10 228/24			
indulge [1] 136/25				January 29th [1] 201/25			
indulgence [3] 66/24 141/17				Jason [1] 243/16			
200/11				Jason DiPaola [1] 243/16			
Infiniti [1] 31/5				Jay [1] 22/4			
influence [1] 135/7				Jencks [1] 124/19			
informant [21] 23/22 44/22				job [12] 95/16 128/18 149/17			
45/22 46/18 52/24 81/21 85/3				149/21 172/8 180/23 199/22			
171/5 198/19 200/15 206/21				202/22 203/3 203/5 203/10			
207/4 207/13 209/24 210/6				215/3			
210/8 210/14 214/18 217/22				John [1] 156/24			
218/2 230/3				Johnson [3] 39/18 40/2 132/16			
informant's [1] 198/1				joined [1] 166/19			
Informants [1] 208/18				Jones [1] 152/1			
information [37] 27/18 45/1				judge [16] 1/11 7/2 59/16			
82/21 83/10 83/12 84/8 91/6				59/17 74/14 83/15 98/1 98/7			
93/15 99/16 99/19 99/22 100/1				102/15 142/10 143/9 143/14			
108/10 109/9 111/13 112/23				143/17 144/10 144/14 147/6			
132/4 133/2 177/16 177/18				Judge Blake [1] 142/10			
180/17 181/19 181/23 182/1				July [4] 25/17 28/1 36/2			
182/3 182/4 194/5 210/2 211/6				161/5			
213/21 213/23 214/6 214/9				jumbled [1] 228/16			
214/11 214/14 214/18 215/23				jump [1] 178/7			
initial [3] 67/1 115/20				jumped [12] 8/17 11/4 17/14			
209/10				17/17 18/12 18/13 50/7 54/2			
initialed [1] 200/21				55/8 55/18 56/4 167/17			
initially [6] 101/1 101/2				jumping [1] 83/16			
101/4 101/9 186/12 186/25				June [3] 79/9 223/13 223/13			
initials [2] 208/12 208/22				jurors [2] 62/15 64/16			
initiate [1] 209/4				jury [24] 1/11 3/7 7/9 44/7			
injure [1] 140/23				44/8 44/14 44/15 103/10			
innocent [1] 230/12				103/11 104/25 105/1 111/20			
Insane [2] 166/19 167/18				183/25 184/8 184/9 184/16			
Insane Red Devil [1] 166/19				184/17 219/15 219/18 221/8			
Insane Red Devils [1] 167/18							
inside [1] 12/25							

<p>J</p> <p>jury... [4] 222/4 222/6 242/8 243/7</p> <p>just [175] 8/15 10/18 10/25 11/4 13/8 14/12 14/25 15/2 15/11 16/7 16/22 17/13 17/16 17/25 18/5 19/22 22/15 23/3 25/25 26/21 29/4 29/5 30/16 31/9 31/24 37/25 38/15 41/18 42/6 43/3 43/6 43/8 43/21 45/1 50/5 51/18 51/19 51/25 52/4 52/4 52/20 53/13 54/23 55/7 55/24 56/1 56/20 57/6 57/13 58/17 58/21 58/21 59/19 60/14 61/19 63/19 64/19 64/21 65/16 69/1 69/2 69/9 71/22 73/24 74/2 76/12 76/18 79/8 79/8 79/14 79/17 80/12 80/15 90/23 91/11 92/23 93/24 96/19 99/6 101/6 101/7 103/14 103/20 103/24 104/8 104/15 105/25 108/6 110/4 111/20 111/24 114/8 114/16 114/16 114/24 114/24 115/23 116/22 116/23 117/7 117/8 118/15 119/7 119/9 119/15 121/25 122/3 122/24 123/11 126/17 127/18 128/19 129/20 129/22 131/17 132/4 132/24 139/9 140/5 140/6 140/11 140/22 143/8 143/12 143/15 144/3 145/5 147/24 153/6 155/22 156/21 159/13 160/5 160/9 164/15 164/15 164/16 167/20 169/2 169/5 170/13 171/18 183/5 183/13 183/18 187/9 188/20 188/22 192/21 196/22 197/7 197/11 197/17 199/2 199/21 200/10 202/2 214/22 223/12 223/24 226/23 227/22 228/12 228/16 231/2 236/2 236/12 237/19 239/10 241/3 243/9 243/14 243/25 244/3 244/10</p> <p>juvenile [2] 72/12 73/10</p>	<p>50/16 50/17 52/7 54/18 55/6 60/2 60/9 60/11 60/13 60/16 61/5 61/24 62/2 125/19 129/16 131/8 131/15 135/25 137/20 140/8 141/9 196/12 233/13 233/15</p> <p>killling [4] 31/25 131/24 141/8 234/23</p> <p>kind [20] 8/22 13/2 21/22 24/25 31/4 43/6 54/3 55/9 73/14 80/13 82/5 113/23 120/15 121/2 142/1 158/6 159/5 160/2 174/9 226/24</p> <p>Kisha [1] 120/22</p> <p>knew [29] 24/3 49/15 51/24 53/7 61/19 75/9 83/10 83/12 84/19 85/18 90/5 112/12 115/25 115/25 140/9 152/10 153/22 183/17 188/6 189/14 189/15 189/18 192/21 201/12 201/15 216/5 218/9 218/13 227/20</p> <p>know [181] 6/25 7/1 8/12 10/3 10/3 10/6 11/8 11/12 12/12 12/13 13/13 15/8 18/16 18/22 19/1 19/4 21/4 24/6 24/17 27/12 30/19 30/21 30/23 35/22 41/11 47/6 47/19 47/19 48/24 50/5 51/17 51/22 51/24 52/4 52/4 52/21 53/13 53/13 53/21 53/22 53/24 55/20 55/22 57/18 60/21 60/23 61/2 61/18 63/11 64/4 64/15 64/18 64/21 69/23 74/2 78/2 78/3 78/15 82/21 82/25 83/14 84/25 86/1 86/9 86/12 86/13 90/23 92/22 92/22 93/23 99/3 99/6 102/17 102/18 103/5 104/17 108/22 111/9 114/17 115/14 115/16 116/8 118/1 118/14 119/17 120/8 123/3 123/8 126/6 126/8 126/9 126/13 126/19 127/3 127/19 128/10 128/21 128/25 129/4 129/19 129/21 130/1 131/17 131/17 131/18 132/1 132/2 132/4 132/13 133/3 136/20 137/13 137/17 138/16 140/8 143/8 143/8 143/13 143/24 144/3 144/3 145/22 146/2 146/11 154/10 155/17 157/24 158/7 159/1 159/3 159/4 160/3 160/5 160/25 161/20 161/22 165/2 166/16 167/10 167/10 167/13 169/25 170/13 170/17 170/17 174/19 176/6 176/12 176/24 179/1 179/2 180/24 187/24 188/14 188/21 188/22 188/23 189/22 190/6 190/19 190/21 192/9 194/3 195/1 195/2 197/6 215/15 218/9 223/23 224/25 226/21 227/22 232/5 232/23 238/25 242/3 243/19 243/20 243/24 244/4 244/8</p> <p>knowing [1] 198/21</p> <p>knowledge [15] 36/15 99/3 108/4 108/12 108/12 131/14 133/7 135/24 160/3 189/24 216/5 226/24 227/3 227/19</p>	<p>228/3</p> <p>known [5] 45/3 129/5 131/20 194/1 221/4</p> <p>knows [1] 64/4</p> <p>Konan [10] 29/5 29/12 29/15 29/22 30/1 30/13 31/1 42/15 220/1 221/4</p> <p>L</p> <p>ladies [4] 44/4 73/22 74/25 242/14</p> <p>Lady [4] 129/10 129/17 130/3 136/13</p> <p>Lady T [4] 129/10 129/17 130/3 136/13</p> <p>lag [1] 63/12</p> <p>laid [1] 134/9</p> <p>lap [1] 176/1</p> <p>laptop [2] 63/22 64/20</p> <p>larger [1] 118/12</p> <p>last [11] 17/8 21/19 23/13 58/17 65/7 83/13 92/4 95/5 120/23 136/18 136/22</p> <p>late [1] 240/10</p> <p>later [17] 20/10 22/21 54/16 67/3 78/13 79/9 83/5 88/21 89/6 90/24 96/20 112/1 131/21 143/21 201/19 218/20 236/6</p> <p>laundry [3] 58/18 144/4 182/8</p> <p>Lauren [1] 1/16</p> <p>Lauren Perry [1] 1/16</p> <p>law [34] 62/9 86/14 107/17 116/4 116/11 123/22 125/6 144/13 150/17 184/3 185/13 186/25 187/13 188/6 188/15 189/11 190/7 190/16 192/15 192/25 193/20 194/3 194/8 200/18 203/13 217/19 226/5 236/23 238/25 241/4 241/11 243/12 243/14 244/5</p> <p>law enforcement [32] 62/9 86/14 107/17 116/4 116/11 123/22 125/6 150/17 184/3 185/13 186/25 187/13 188/6 188/15 189/11 190/7 190/16 192/15 192/25 193/20 194/3 194/8 200/18 203/13 217/19 226/5 236/23 238/25 241/4 241/11 243/12 243/14 244/5</p> <p>lawyer [3] 97/9 116/19 146/20</p> <p>lay [2] 83/22 169/9</p> <p>leading [8] 20/11 20/16 20/20 38/9 38/11 52/9 229/24 230/19</p> <p>learn [10] 24/9 24/11 29/1 31/12 41/14 42/14 60/3 126/15 226/19 226/22</p> <p>learned [11] 20/8 29/15 37/15 60/4 62/4 130/3 131/24 132/16 133/5 188/1 232/12</p> <p>learner's [1] 50/12</p> <p>least [1] 90/12</p> <p>leave [3] 96/19 143/14 243/1</p> <p>leaving [1] 26/14</p> <p>led [1] 21/16</p> <p>left [17] 3/15 4/17 14/17 22/7 22/10 28/10 39/1 44/8 57/6 75/5 75/6 75/7 103/11 126/18 135/18 176/15 184/9</p> <p>left-hand [1] 28/10</p>
<p>K</p> <p>Kane [5] 113/2 113/16 114/20 116/1 191/4</p> <p>Kane's [1] 113/4</p> <p>keep [4] 65/23 95/9 176/1 243/1</p> <p>Kenyon [4] 221/5 221/8 221/20 222/5</p> <p>Kenyon Patterson [4] 221/5 221/8 221/20 222/5</p> <p>kept [1] 155/22</p> <p>Kevin [1] 152/1</p> <p>Khamani [2] 106/14 110/14</p> <p>Khamani Gale [2] 106/14 110/14</p> <p>kicked [1] 9/10</p> <p>kill [7] 58/4 169/11 196/9 226/20 226/21 226/21 233/13</p> <p>killed [42] 20/8 20/14 21/20 22/18 23/6 24/7 24/9 25/21 37/16 37/24 37/25 38/1 43/2 48/25 49/1 49/1 49/24 50/5</p>		

Case 1:16-cr-00267-LKG Document 1358 Filed 11/21/19 Page 265 of 283

L	20/5 20/9 21/5 24/14 31/9 31/24 34/3 37/25 38/5 41/15 41/23 43/6 43/6 44/16 46/3 47/16 48/15 51/19 54/17 54/22 55/3 55/5 56/4 56/5 56/11 57/16 58/7 58/21 62/11 62/14 63/15 64/12 64/22 73/24 74/17 74/24 81/24 83/18 86/1 95/10 99/7 112/15 117/5 119/18 126/23 128/9 129/6 132/1 137/11 138/15 140/11 140/22 141/23 144/5 144/9 148/13 150/1 152/17 154/21 156/1 160/22 161/22 161/25 164/8 170/8 170/20 175/1 176/18 179/11 190/4 190/20 199/10 201/6 202/16 204/24 205/5 205/5 208/8 212/9 223/13 224/23	127/16 127/19 129/4 129/8 148/9 149/20 149/20 159/12 197/4 197/6 199/8 199/20 201/3 203/18 217/22 225/13 242/5 242/25	
lemon [7]	155/22 155/25 156/2 156/4 168/23 169/1 169/2	long rifle [1]	203/18
lemon squeeze [6]	155/22 155/25 156/2 168/23 169/1 169/2	longer [2]	57/4 99/22
lengthy [2]	234/3 234/21	look [8]	13/2 95/20 108/22 109/3 109/5 110/8 137/8 213/20
leniency [2]	7/2 142/10	looked [5]	56/11 72/21 109/19 179/14 208/8
less [11]	82/9 82/23 83/1 83/1 83/2 83/11 114/17 119/1 148/13 176/18 231/1	looking [21]	4/3 8/25 9/3 14/6 18/20 21/4 25/11 33/4 33/15 34/7 34/14 34/18 34/25 35/3 35/7 47/25 66/9 74/22 175/21 213/23 233/7
let [40]	5/13 20/17 37/14 38/15 46/7 47/19 47/19 66/13 69/1 69/9 74/14 82/25 84/8 87/6 88/4 92/22 95/20 99/5 103/5 103/14 108/16 108/22 115/6 117/19 132/3 135/20 137/19 139/6 139/18 171/1 189/1 190/2 197/4 214/10 217/18 220/3 223/25 236/12 243/20 243/24	looks [5]	4/5 137/11 175/1 212/9 214/8
let's [14]	3/4 38/9 65/8 68/19 77/1 80/23 85/18 87/10 111/11 116/9 152/23 154/13 178/1 236/8	Los [1]	49/1
letter [11]	92/17 92/21 92/24 94/1 94/11 96/13 96/25 97/21 97/22 109/3 202/25	loss [1]	138/7
letters [2]	92/12 92/13	lost [1]	215/3
lettin' [1]	119/7	lot [34]	20/15 33/19 37/7 41/7 41/15 50/19 50/19 51/15 52/16 55/15 56/25 65/3 71/17 92/22 137/23 138/18 144/7 144/9 145/13 150/8 160/4 160/21 161/20 161/20 169/2 181/19 185/1 217/11 217/19 222/18 223/17 223/18 224/22 239/25
letting [1]	53/13	love [1]	134/21
level [1]	198/1	lunch [3]	43/24 64/23 103/8
Lexus [9]	8/23 9/1 9/4 15/14 16/17 16/18 54/4 54/4 138/22	Luncheon [1]	104/23
Liberty [11]	48/22 49/10 50/10 50/13 54/18 59/25 164/7 166/2 166/3 166/6 178/5	Lyin' [1]	183/1
Liberty Heights [10]	48/22 49/10 50/10 50/13 54/18 59/25 164/7 166/2 166/3 166/6	lying [13]	71/7 96/25 102/17 112/4 112/12 141/3 144/6 158/13 177/17 184/3 228/6 228/6 228/9
license [2]	9/16 50/11	Lyndhurst [6]	173/23 173/24 174/2 239/5 239/6 239/16
lie [24]	6/25 7/19 71/22 85/1 85/3 102/22 102/23 139/9 139/10 139/12 139/14 152/14 152/15 157/9 158/7 158/11 186/4 186/13 186/16 228/20 230/16 240/1 240/13 240/20	lyrics [2]	142/5 142/7
lied [22]	71/10 78/19 81/3 102/5 102/9 102/18 140/22 141/2 144/5 157/10 157/11 158/2 158/5 158/11 182/16 185/6 186/25 227/13 227/18 227/18 228/3 228/4	M	
lies [10]	7/3 105/23 141/4 141/6 158/6 158/12 182/4 182/8 182/15 195/3	M Dot [2]	161/12 161/14
Lieutenant [1]	87/18	M's [2]	49/21 49/23
life [16]	83/14 84/11 84/14 84/15 106/22 110/15 111/2 143/7 144/1 144/12 172/17 198/22 199/9 240/2 240/14 240/16	M-Easy [6]	66/11 66/16 66/18 66/22 67/17 69/20
lightning [4]	169/16 169/22 233/11 233/12	M-O-B [1]	141/23
lightning bolt [2]	169/16 169/22	M-O-B-B-I-N [1]	141/25
like [90]	3/12 4/5 8/15 8/15 11/9 11/10 12/7 13/2 14/14	ma'am [1]	104/20
		machine [2]	118/4 118/5
		machine gun [2]	118/4 118/5
		made [15]	48/13 50/6 117/17 127/10 145/18 145/19 147/4 166/22 172/13 210/5 227/23 230/23 231/6 231/9 239/17
		mafia [2]	134/14 169/20
		magnum [1]	203/25
		mail [2]	243/25 244/16
		main [1]	142/1
		mainly [3]	29/5 114/8 164/11
		maintained [1]	167/7
		majority [1]	91/20
		make [29]	43/16 45/2 45/8 45/16 45/18 48/15 69/1 71/22 87/6 95/12 97/16 99/8 112/9 119/15 145/16 146/17 153/3 153/5 153/8 153/11 156/12

<p>M</p> <p>make... [8] 156/14 163/2 163/2 187/5 187/9 215/1 230/4 242/4</p> <p>makes [5] 118/7 145/16 146/13 146/14 171/19</p> <p>making [4] 65/8 97/10 146/25 171/13</p> <p>Mal [10] 22/4 23/2 23/8 23/10 23/16 23/19 125/21 125/21 125/23 125/24</p> <p>malfunction [1] 62/21</p> <p>malfunctions [1] 87/5</p> <p>Mall [2] 78/22 176/5</p> <p>man [13] 11/16 11/16 11/19 11/19 13/9 13/9 16/8 16/8 19/21 19/21 72/6 72/19 181/2</p> <p>Man Man [5] 11/16 11/19 13/9 16/8 19/21</p> <p>mandates [1] 234/8</p> <p>mandatory [3] 75/4 164/23 165/1</p> <p>many [22] 4/25 10/9 37/5 53/21 77/21 77/22 78/3 92/13 101/9 104/16 118/2 123/6 123/8 123/17 148/9 155/2 161/19 182/8 184/3 184/3 208/4 225/10</p> <p>map [2] 14/5 179/14</p> <p>March [6] 1/8 112/15 117/13 171/1 171/25 172/11</p> <p>March 10th [2] 171/1 171/25</p> <p>March 2015 [1] 112/15</p> <p>mark [4] 96/9 105/21 105/25 106/4</p> <p>marked [20] 93/5 96/20 105/11 108/17 120/4 133/16 137/7 153/14 201/6 206/23 207/11 211/3 211/16 211/25 212/14 212/21 213/4 213/12 220/4 233/23</p> <p>married [1] 35/11</p> <p>Martini [9] 87/15 114/23 114/24 115/4 116/6 132/8 132/9 132/10 132/23</p> <p>MARYLAND [19] 1/1 1/9 1/25 21/25 98/15 105/7 106/11 106/23 107/10 107/14 107/15 108/2 109/7 111/12 126/21 127/13 127/17 128/7 167/4</p> <p>Maryland Avenue [5] 21/25 126/21 127/13 127/17 128/7</p> <p>matter [4] 57/11 122/2 137/2 245/3</p> <p>maximum [4] 106/21 106/22 110/14 143/6</p> <p>may [42] 22/20 28/25 42/10 43/17 57/11 63/8 65/13 72/16 79/17 88/2 88/14 88/17 93/1 93/2 94/13 104/16 108/19 112/25 114/16 114/17 117/11 123/4 123/5 131/18 131/20 151/7 156/18 158/10 193/9 193/10 206/2 206/9 206/25 210/23 221/16 223/13 228/15 232/5 232/15 232/16 235/17 243/23</p> <p>May 17th [1] 221/16</p>	<p>May 22nd [1] 112/25</p> <p>May 30th [3] 28/25 206/2 206/9</p> <p>maybe [19] 37/7 41/12 48/19 64/1 64/22 64/23 77/9 88/21 108/25 118/18 123/11 138/2 149/25 155/5 179/11 179/13 218/6 225/14 243/15</p> <p>McCargo [1] 113/4</p> <p>me [150] 3/23 4/3 5/8 8/25 9/3 9/10 9/11 9/12 13/10 13/14 13/15 13/19 15/13 20/17 20/25 22/3 24/12 24/13 24/17 26/14 26/15 26/15 26/16 26/21 27/22 37/14 38/15 38/18 38/22 45/14 46/3 46/7 47/19 47/23 50/4 54/1 54/1 61/24 66/13 68/15 69/1 69/6 69/9 72/2 74/14 77/23 79/2 79/7 80/17 82/25 84/9 84/9 87/6 87/7 88/4 88/21 89/20 91/3 91/11 92/18 93/17 93/24 95/15 95/20 96/10 97/9 99/8 101/5 101/19 103/5 103/14 108/12 108/14 108/16 108/22 109/4 111/24 114/23 115/6 116/22 117/19 118/22 119/4 119/15 121/6 124/9 125/16 125/17 128/1 130/6 131/12 131/17 132/3 132/4 135/20 136/25 137/19 140/15 140/17 141/1 142/6 142/6 145/24 149/9 149/23 152/20 155/19 157/1 157/3 157/20 161/4 169/2 171/1 171/17 175/1 175/22 175/25 176/11 176/11 176/14 177/1 189/1 190/2 194/19 197/4 199/16 201/8 203/4 209/16 209/17 211/5 211/10 211/18 212/5 212/17 213/6 214/10 217/18 218/20 220/1 220/3 223/25 230/8 236/12 240/24 241/10 241/13 243/9 243/24 244/16</p> <p>mean [48] 5/7 26/4 32/7 41/20 41/21 43/13 50/15 67/13 89/20 90/24 96/13 97/9 101/4 102/24 102/25 108/7 115/12 120/1 121/13 124/18 126/9 143/1 144/9 146/18 155/24 156/4 157/14 157/19 159/13 160/2 160/22 161/20 163/8 163/19 166/7 167/11 167/22 170/12 181/17 181/22 182/7 182/19 182/25 224/22 224/22 230/7 239/24 239/24</p> <p>meaning [4] 70/9 72/13 90/17 189/18</p> <p>means [13] 52/22 74/3 74/5 74/7 83/22 98/4 101/5 101/19 114/9 126/2 163/10 168/18 238/4</p> <p>meant [7] 18/19 66/17 73/22 97/3 201/12 201/15 208/17</p> <p>media [1] 119/21</p> <p>meet [14] 9/11 50/18 67/17 118/19 119/5 119/15 125/15 150/18 172/24 173/15 181/14 210/18 225/10 232/3</p>	<p>meetin' [2] 38/14 40/18</p> <p>meeting [16] 40/14 40/21 40/23 40/25 41/9 88/1 88/2 88/14 89/14 115/2 152/5 173/18 221/16 236/23 237/5 242/8</p> <p>meetings [9] 86/10 86/12 87/12 88/5 122/17 123/1 170/5 170/5 217/19</p> <p>member [20] 9/25 11/20 11/25 23/8 28/13 29/13 32/19 32/25 33/11 33/11 37/13 37/18 49/7 51/8 52/6 77/23 167/24 170/11 208/15 236/1</p> <p>members [10] 22/1 32/3 61/3 61/13 62/5 170/6 170/12 171/18 220/24 238/6</p> <p>memorized [1] 170/3</p> <p>memory [5] 92/19 135/20 147/19 148/18 152/18</p> <p>men [1] 31/25</p> <p>Menace [3] 42/15 42/18 43/1</p> <p>mention [1] 148/22</p> <p>mentioned [14] 9/5 9/18 23/3 27/24 38/10 40/13 51/12 64/11 130/21 149/17 158/20 163/25 225/7 239/18</p> <p>mercy [2] 7/2 142/10</p> <p>messages [3] 5/22 6/4 57/19</p> <p>messed [3] 110/1 112/4 112/6</p> <p>messin' [1] 115/11</p> <p>met [25] 38/14 60/22 68/4 92/8 116/11 123/1 123/3 123/6 123/13 123/14 128/17 147/25 160/15 173/5 174/1 174/1 174/5 217/23 218/1 218/5 228/17 232/8 232/12 239/6 239/16</p> <p>method [1] 33/23</p> <p>mic [1] 63/23</p> <p>microphone [1] 64/20</p> <p>microphones [1] 127/2</p> <p>mid [3] 44/1 44/5 44/11</p> <p>mid-morning [3] 44/1 44/5 44/11</p> <p>middle [4] 110/9 198/13 199/10 224/10</p> <p>Middleton [19] 81/14 88/5 92/11 92/17 92/21 96/25 97/19 97/24 99/3 102/8 102/9 107/14 107/21 111/8 111/12 112/3 112/9 114/19 203/1</p> <p>might [22] 32/9 43/21 48/17 48/18 62/22 75/10 80/5 80/6 84/3 97/12 103/18 112/4 118/9 163/21 172/3 181/15 218/6 218/19 218/20 224/23 243/10 243/15</p> <p>mile [1] 179/11</p> <p>miles [2] 176/5 176/13</p> <p>military [1] 154/20</p> <p>Mill [10] 27/7 28/16 40/19 61/16 126/12 164/2 195/22 206/6 206/10 223/4</p> <p>millimeter [1] 121/4</p> <p>Mills [2] 178/8 178/10</p> <p>mind [9] 82/17 95/20 102/21 109/1 112/2 118/7 135/4 135/8 243/2</p>
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M	Case 1:16-cr-00267-LKG Document 1358 Filed 11/21/19 Page 267 of 283	monkey [3] 233/9 233/9 233/10 Montana [1] 22/4 Montana Gold [1] 22/4 month [1] 168/22 months [16] 37/12 73/9 75/7 93/19 109/18 109/23 112/1 131/21 150/1 184/3 199/1 199/21 221/15 223/11 224/19 229/6 months' [1] 110/23 Mookie [22] 48/25 49/1 49/2 49/3 49/6 49/19 49/22 49/24 50/16 50/17 52/7 54/18 55/6 60/9 137/20 138/8 140/4 158/20 158/23 178/3 178/21 233/15 Moore [3] 219/3 219/5 222/12 morals [1] 134/20 more [26] 3/17 15/18 18/6 28/20 59/19 76/11 83/1 83/1 88/22 95/13 112/7 114/1 114/17 118/13 118/18 123/10 123/13 148/12 158/4 179/10 214/14 214/14 220/16 231/1 236/19 236/19 morning [7] 3/3 3/10 3/15 44/1 44/5 44/11 180/7 most [6] 7/22 84/1 135/2 135/4 170/7 171/15 mostly [1] 104/9 mother [1] 136/1 motion [6] 146/13 146/25 147/7 149/14 244/1 244/14 motions [2] 146/5 243/22 mourn [1] 138/7 mouth [1] 125/11 move [13] 4/12 7/15 7/16 96/8 147/10 147/12 149/15 152/23 154/13 196/1 222/21 236/9 236/12 moved [1] 235/5 moving [1] 134/6 Moyé [2] 64/4 234/14 Mr [1] 114/20 Mr. [51] 3/8 3/15 6/23 7/19 44/19 64/7 66/2 68/3 68/10 77/5 77/9 77/17 77/19 80/9 80/14 84/6 88/13 88/21 91/9 104/9 105/2 105/6 125/8 126/8 129/1 137/17 138/21 140/8 144/23 157/14 165/8 165/11 172/20 173/15 174/12 184/22 184/25 205/15 205/19 211/3 223/3 225/5 228/15 236/1 236/22 237/13 237/21 239/3 240/1 242/4 242/17 Mr. Bailey [2] 225/5 236/1 Mr. Bailey's [1] 125/8 Mr. Banks [20] 3/8 3/15 6/23 7/19 44/19 64/7 66/2 68/3 104/9 105/2 105/6 165/11 184/22 205/19 211/3 223/3 228/15 240/1 242/4 242/17 Mr. Corloyd Anderson [1] 184/25 Mr. Edwards [2] 126/8 129/1 Mr. Gale [4] 77/17 77/19 80/9 80/14 Mr. Gale's [2] 77/5 77/9	Mr. Cerber [1] 88/13 Mr. Hazlehurst [1] 205/15 Mr. Hill [1] 91/9 Mr. Hood [1] 88/21 Mr. Hornes [2] 137/17 140/8 Mr. Lockley [4] 138/21 172/20 173/15 174/12 Mr. Sardelli [4] 144/23 157/14 236/22 237/13 Mr. Trainor [3] 165/8 237/21 239/3 Mr. Van Hoven [2] 68/10 84/6 Mrs. [1] 59/18 Mrs. Blake [1] 59/18 Ms. [42] 3/12 44/17 64/4 67/23 81/7 81/9 88/5 92/11 92/17 92/21 96/25 97/19 97/24 99/3 102/9 103/5 105/3 107/14 107/21 111/8 111/12 112/3 112/9 114/19 123/1 123/1 124/24 144/22 151/17 184/18 193/1 193/13 193/20 203/1 227/5 228/23 229/17 233/25 234/14 235/7 235/23 236/13 Ms. Amato [1] 184/18 Ms. Flynn [2] 81/7 81/9 Ms. Hoffman [7] 3/12 44/17 123/1 193/1 193/13 193/20 227/5 Ms. Middleton [17] 88/5 92/11 92/17 92/21 96/25 97/19 97/24 99/3 102/9 107/14 107/21 111/8 111/12 112/3 112/9 114/19 203/1 Ms. Moyé [2] 64/4 234/14 Ms. Perry [2] 123/1 235/23 Ms. Whalen [11] 67/23 103/5 105/3 124/24 144/22 151/17 228/23 229/17 233/25 235/7 236/13 much [28] 48/15 71/1 73/6 73/8 74/22 98/11 117/8 118/5 128/25 160/9 162/5 177/9 211/14 211/23 212/19 213/2 213/10 213/18 214/18 215/1 223/8 223/14 224/21 230/19 231/6 241/20 242/18 243/6 Mugs [2] 22/4 27/10 Murda [6] 41/5 50/23 51/2 60/5 60/6 60/13 Murdaland [1] 169/20 murder [38] 6/16 6/18 20/16 20/20 23/10 23/21 24/1 26/22 38/9 38/11 41/8 41/9 41/11 41/13 41/14 42/5 42/8 42/20 42/23 43/1 43/9 57/13 58/25 106/14 106/20 110/14 132/14 139/24 140/2 140/9 158/20 181/2 196/1 231/21 232/8 232/11 232/12 233/14 murdered [2] 57/17 60/19 murders [3] 142/15 142/19 143/2 music [17] 22/6 114/6 114/8 126/24 127/9 127/10 128/7 141/19 161/8 174/15 174/22 174/24 182/17 182/19 182/23 182/25 183/5 must [2] 117/4 227/10
mines [1] 22/11 minimum [3] 147/1 164/23 165/1 minute [11] 9/18 19/25 26/9 29/9 36/1 40/13 65/24 67/1 79/8 91/11 111/11 minutes [8] 12/20 14/16 14/17 14/22 62/22 118/15 178/11 223/3 Mirage [12] 3/21 4/10 6/16 59/2 154/14 159/7 185/5 228/20 229/3 229/12 240/1 240/13 Mirage Nightclub [1] 6/16 MISC [2] 38/24 153/14 MISC-9 [1] 153/14 Miscellaneous [3] 93/2 93/6 96/8 Miscellaneous 10 [3] 93/2 93/6 96/8 misrepresentations [1] 227/24 miss [1] 240/6 missin' [1] 21/7 misspoke [1] 69/14 mistake [1] 86/25 mistaken [8] 6/1 22/20 42/10 123/5 132/10 180/22 218/19 221/1 mixed [1] 195/2 mixing [1] 127/3 MMP [39] 10/1 11/20 12/1 22/1 23/8 28/13 29/13 35/21 37/13 37/18 48/21 49/7 51/8 52/12 61/3 61/13 61/18 62/5 62/7 66/6 130/14 135/18 135/18 135/21 135/23 136/16 143/3 163/21 169/21 170/7 170/11 170/12 170/18 170/19 220/24 232/16 232/20 233/12 233/13 mob [7] 31/17 31/20 32/12 66/10 141/19 164/20 164/21 Mobb [2] 4/7 234/8 Mobb Squad [1] 4/7 mobbin' [4] 136/18 141/21 141/22 169/20 mobile [1] 223/19 mobster [3] 49/7 59/25 65/22 mobsters [2] 49/3 50/19 Molly [4] 147/21 171/11 177/24 177/25 moment [7] 14/25 38/15 88/4 136/25 141/17 156/16 243/14 Mondawmin [2] 78/22 80/7 Mondawmin Mall [1] 78/22 Monday [11] 242/9 242/21 242/24 243/4 243/4 243/5 243/10 243/23 244/5 244/9 244/19 money [28] 22/4 27/9 27/23 28/8 38/4 41/23 45/16 46/2 46/3 47/5 48/13 118/24 163/2 163/2 171/13 173/13 175/9 175/10 175/21 175/22 176/15 176/17 177/5 177/8 205/4 214/14 215/1 216/15 monitor [2] 45/7 64/7 monitored [1] 34/4			

<p>M</p> <p>my [90] 7/20 9/9 9/13 13/14 26/16 39/11 58/17 63/21 71/5 72/3 77/24 77/24 78/6 78/8 85/4 90/14 91/1 92/19 92/23 94/2 94/17 95/8 95/10 95/13 95/15 95/16 95/19 95/19 99/2 108/4 110/5 110/22 111/3 111/3 111/6 111/7 111/13 115/6 117/3 119/5 120/20 121/18 125/6 125/11 125/12 127/21 129/21 131/15 132/3 132/19 133/1 133/7 133/19 134/13 134/13 135/24 140/5 142/5 144/4 145/9 145/18 147/19 148/18 148/19 149/4 149/9 150/19 150/22 151/4 152/6 153/18 156/21 157/7 159/19 160/3 161/16 165/11 176/1 184/24 203/5 205/21 208/12 208/12 215/18 232/7 234/6 237/19 241/7 242/5 243/13</p> <p>My All Family I Am [1] 134/13 myself [7] 4/6 86/18 86/21 117/19 119/12 140/20 140/24</p>	<p>131/1 139/12 140/2 140/19 143/11 145/20 146/21 148/25 149/1 152/10 161/16 161/25 162/14 163/25 165/12 170/14 170/23 170/23 170/25 177/2 190/16 194/1 194/24 200/25 202/22 215/13 216/2 216/5 218/7 222/6 226/1 new [7] 76/7 76/9 100/3 111/4 134/18 167/21 198/10 next [28] 11/3 20/9 20/9 22/20 25/5 39/14 55/1 57/11 92/4 95/4 95/6 104/8 104/12 104/13 132/6 134/25 142/6 177/8 180/6 188/11 208/22 211/16 232/7 242/11 242/23 242/24 243/3 243/17 nice [4] 71/20 162/8 163/4 164/4 Nick [21] 8/13 9/18 9/24 10/3 10/4 10/16 10/23 12/11 16/3 16/8 16/10 16/24 17/4 19/18 35/20 49/19 49/20 123/22 123/24 125/7 153/20 Nick's [2] 15/20 124/15 niggas [1] 41/19 night [26] 9/8 9/9 11/14 12/8 12/17 20/1 21/21 22/14 22/16 23/6 24/20 24/24 50/1 51/3 57/7 115/7 154/13 159/13 160/4 164/12 180/3 180/4 180/20 181/5 181/6 233/18 nightclub [2] 6/16 154/14 nighttime [2] 54/24 54/25 nine [3] 14/21 73/9 75/7 Nissan [3] 80/4 80/9 80/13 Nizzy [1] 4/6 Nizzy's [1] 128/19 no [272] nobody [6] 57/5 93/23 135/25 144/9 166/22 171/19 nobody's [2] 55/4 93/24 normally [2] 55/5 160/4 North [2] 206/6 206/11 North Forest Park Avenue [1] 206/11 NORTHERN [1] 1/2 Norwood [6] 193/17 193/22 193/23 194/2 194/19 194/23 not [186] 5/25 7/9 18/22 20/7 22/20 31/3 34/22 37/24 42/10 42/22 46/13 46/22 47/10 57/15 58/6 59/12 62/23 63/7 63/21 63/22 64/2 64/10 65/14 65/25 71/11 71/20 73/10 74/3 74/5 74/7 76/2 76/5 78/12 79/17 81/23 82/2 82/5 82/18 83/4 86/7 89/7 90/8 91/11 91/20 92/18 95/19 97/9 97/9 103/21 108/2 108/6 114/1 115/5 116/7 117/25 122/14 123/3 123/5 123/24 125/7 126/11 132/10 133/1 134/3 135/5 136/7 136/9 136/11 136/16 140/17 140/24 141/2 142/18 142/20 142/24 144/1 144/6 144/7 145/11 145/11 145/19 146/1 148/22 148/22 149/5 149/12 150/25 152/17 152/25 154/1 155/20</p>	<p>156/7 157/5 157/9 157/13 157/17 157/18 159/1 159/20 163/21 163/24 165/2 166/5 168/11 168/13 169/1 169/7 169/15 170/6 170/11 170/12 170/14 170/19 170/21 171/8 171/16 171/16 173/20 174/6 176/6 178/12 178/13 179/2 180/3 180/3 180/4 180/5 180/22 181/6 183/4 183/12 185/1 187/10 187/18 188/9 188/22 190/5 192/17 192/19 193/9 193/10 193/21 198/23 200/9 200/21 201/3 202/16 206/11 206/13 208/15 209/4 209/7 209/8 217/2 218/9 218/19 218/25 219/22 221/1 221/23 223/8 223/24 224/6 224/7 226/23 227/18 228/9 229/22 232/16 233/3 233/5 234/3 234/9 235/10 235/17 235/19 235/22 237/9 237/10 239/7 239/9 241/9 242/8 242/17 242/21 243/19 notes [15] 86/9 86/15 86/16 89/15 89/21 125/10 125/13 125/14 150/21 151/20 194/4 218/6 237/4 237/9 243/1 nothin' [5] 12/5 99/8 115/14 161/22 221/10 nothing [11] 47/20 67/10 69/22 111/7 129/21 145/24 147/5 152/18 162/17 225/17 228/5 notifying [2] 76/2 76/5 November [4] 97/22 194/8 202/25 245/7 November 1st [1] 194/8 November 4th [2] 97/22 202/25 now [108] 6/23 7/4 7/11 16/11 23/21 36/1 40/13 41/13 42/24 44/20 58/9 58/13 58/20 63/2 70/12 73/17 75/15 78/9 80/23 81/7 81/20 83/16 83/17 84/19 86/9 87/11 92/9 94/7 94/10 96/20 101/22 105/25 109/6 109/13 112/3 112/14 112/14 112/16 112/19 113/20 114/22 116/9 116/14 119/16 120/11 121/19 122/5 122/17 123/21 125/18 128/9 129/1 130/13 131/7 131/23 132/24 133/8 133/18 134/1 135/12 137/15 137/16 139/9 139/10 141/3 142/9 142/24 144/6 145/13 148/18 150/8 150/16 151/18 161/24 162/24 164/7 164/23 175/20 181/1 181/10 182/15 185/1 188/14 191/12 192/25 194/7 195/8 197/25 206/19 207/11 209/23 214/25 216/2 216/9 219/14 221/23 223/21 223/25 224/13 225/7 225/23 227/13 230/19 230/21 233/23 235/10 238/18 243/24 number [9] 7/11 7/12 100/4 105/15 163/6 192/8 192/13 214/21 227/5 Number 1 [1] 105/15</p>
<p>N</p> <p>name [30] 25/6 39/10 39/11 39/17 39/22 40/1 40/11 81/14 113/4 120/21 120/23 135/14 135/15 135/22 137/17 145/5 152/2 165/11 174/19 184/24 195/9 195/12 195/13 195/15 195/16 195/16 205/21 207/15 207/17 219/24 named [7] 48/25 60/9 60/18 88/24 129/10 135/21 179/22 names [1] 51/20 near [7] 64/20 176/5 178/21 192/6 206/5 206/10 239/5 necessarily [4] 122/14 170/12 210/1 223/19 necessary [11] 7/14 45/2 153/3 153/5 153/8 153/11 155/25 200/23 230/4 230/7 230/11 neck [2] 56/5 56/12 need [9] 6/25 8/15 32/1 58/16 79/13 91/6 103/2 116/24 243/23 needed [8] 45/12 45/14 46/2 99/22 134/19 134/23 135/9 160/9 needs [1] 244/1 neighborhood [28] 32/9 52/1 52/5 52/7 54/16 55/10 57/24 126/11 128/3 128/20 131/6 138/5 164/8 164/13 164/14 164/17 165/19 165/22 166/8 166/11 166/12 166/14 170/7 170/10 170/13 178/13 224/1 224/2 neighborhoods [2] 51/20 170/1 never [46] 70/7 86/21 87/7 99/24 100/12 102/8 109/22 110/5 119/4 123/8 125/11 125/15 126/9 126/13 128/17</p>		

<p>N</p> <p>numbers [1] 100/3</p> <p>numerous [2] 204/18 204/20</p> <p>Nutty [25] 30/3 30/3 30/12</p> <p>37/15 37/18 37/21 37/23 38/9</p> <p>38/11 41/8 41/9 41/11 41/13</p> <p>41/14 41/24 42/19 43/2 43/9</p> <p>132/16 133/6 221/1 231/21</p> <p>232/5 232/8 241/4</p> <p>Nutty B [17] 30/3 30/3 30/12</p> <p>37/15 37/18 37/21 37/23 41/24</p> <p>42/19 43/9 132/16 133/6 221/1</p> <p>231/21 232/5 232/8 241/4</p> <p>Nutty B's [7] 38/9 38/11 41/8</p> <p>41/9 41/11 41/13 41/14</p> <p>NWO [1] 135/5</p>	<p>64/9 77/9 80/18 125/25 126/16</p> <p>129/24 142/3 142/4 169/3</p> <p>171/13 173/15 174/9 174/12</p> <p>192/18 192/18 192/19 223/17</p> <p>223/18 224/19 224/23 224/25</p> <p>offer [2] 5/24 236/5</p> <p>offered [1] 5/25</p> <p>offhand [1] 92/18</p> <p>office [4] 97/25 122/18</p> <p>216/14 244/16</p> <p>officer [8] 53/2 76/3 81/24</p> <p>97/10 104/8 104/18 110/5</p> <p>210/18</p> <p>Officer DiPaola [2] 104/8</p> <p>104/18</p> <p>officers [11] 86/14 101/24</p> <p>112/10 114/19 116/11 152/14</p> <p>152/22 217/20 217/23 238/25</p> <p>243/15</p> <p>offices [1] 148/1</p> <p>Official [2] 1/24 245/7</p> <p>often [1] 159/25</p> <p>Oh [17] 34/22 104/11 119/13</p> <p>128/4 139/14 141/11 167/23</p> <p>168/4 172/12 183/6 204/25</p> <p>208/18 211/15 212/10 235/8</p> <p>240/7 240/8</p> <p>okay [253]</p> <p>old [10] 68/16 68/22 70/17</p> <p>71/2 71/5 76/21 85/3 106/17</p> <p>121/18 207/9</p> <p>older [1] 223/21</p> <p>Omertà [1] 167/13</p> <p>Omertà code [1] 167/13</p> <p>omission [3] 139/14 139/15</p> <p>157/9</p> <p>once [7] 100/20 117/12 121/19</p> <p>123/5 123/18 160/7 225/12</p> <p>one [78] 7/11 11/10 15/18</p> <p>18/6 23/3 26/5 26/16 42/19</p> <p>49/3 50/4 54/14 57/22 58/18</p> <p>63/19 64/9 67/5 69/23 72/10</p> <p>76/11 76/12 88/22 89/7 104/7</p> <p>104/10 104/12 106/10 108/8</p> <p>115/25 116/2 116/4 118/3</p> <p>118/3 127/13 128/9 129/11</p> <p>129/19 130/13 131/12 136/23</p> <p>136/25 138/5 141/17 144/15</p> <p>147/25 156/16 159/8 161/6</p> <p>161/23 164/11 172/3 172/6</p> <p>172/9 173/12 174/22 179/15</p> <p>183/1 183/1 188/10 190/10</p> <p>200/20 204/10 204/12 206/8</p> <p>208/22 209/2 211/19 217/6</p> <p>219/19 222/1 234/25 235/2</p> <p>235/4 235/10 235/10 235/14</p> <p>235/15 235/16 235/19</p> <p>ones [1] 86/15</p> <p>ongoing [1] 225/24</p> <p>only [24] 86/20 87/4 95/19</p> <p>104/7 106/5 106/10 117/25</p> <p>131/10 131/12 131/14 133/12</p> <p>134/6 135/11 135/24 171/16</p> <p>178/24 185/12 196/11 215/7</p> <p>227/18 234/10 234/11 234/14</p> <p>234/16</p> <p>open [3] 134/22 134/22 243/1</p> <p>opened [1] 218/11</p> <p>operate [3] 28/15 49/9 111/10</p>	<p>oniates [1] 177/22</p> <p>opioids [2] 147/24 148/12</p> <p>opportunity [2] 58/17 220/13</p> <p>opposed [1] 169/25</p> <p>option [1] 135/11</p> <p>order [9] 83/11 98/25 103/15</p> <p>104/17 104/17 111/21 123/14</p> <p>134/18 243/19</p> <p>ordered [1] 40/14</p> <p>organizations [1] 163/17</p> <p>originally [4] 10/19 109/20</p> <p>224/6 224/7</p> <p>other [54] 10/4 10/6 14/4</p> <p>14/8 15/9 22/1 32/1 35/9</p> <p>46/18 50/18 51/17 58/22 59/8</p> <p>61/3 61/13 63/3 63/24 65/6</p> <p>65/19 73/15 103/15 104/16</p> <p>107/9 115/7 121/14 127/13</p> <p>127/15 138/5 139/6 140/17</p> <p>140/21 140/24 142/19 143/2</p> <p>143/21 146/18 153/19 163/10</p> <p>163/23 164/17 171/11 175/20</p> <p>179/7 182/7 182/22 188/18</p> <p>188/21 215/6 215/7 220/24</p> <p>230/16 234/23 236/4 238/6</p> <p>others [7] 22/22 36/19 107/21</p> <p>108/11 109/11 135/7 166/14</p> <p>otherwise [1] 244/18</p> <p>our [14] 24/20 25/12 44/5</p> <p>63/22 95/7 127/14 134/19</p> <p>134/19 165/17 166/10 166/10</p> <p>166/15 168/1 170/7</p> <p>ours [1] 135/10</p> <p>ourselves [1] 134/20</p> <p>out [109] 8/17 9/10 10/20</p> <p>11/4 13/15 14/12 14/13 17/14</p> <p>17/17 18/12 21/5 21/11 21/13</p> <p>22/18 22/23 24/13 38/16 43/6</p> <p>46/2 47/15 49/24 50/7 51/21</p> <p>53/12 54/16 55/5 55/8 55/18</p> <p>56/4 57/22 58/17 60/8 61/20</p> <p>61/25 63/4 70/20 74/1 74/14</p> <p>75/4 75/4 75/25 76/19 76/20</p> <p>77/2 77/16 78/12 81/24 82/12</p> <p>82/17 82/19 83/22 84/21 91/6</p> <p>91/16 92/10 93/13 93/21 95/23</p> <p>96/3 97/1 98/4 99/5 99/12</p> <p>102/24 112/3 119/7 120/1</p> <p>125/11 129/16 129/23 133/3</p> <p>135/18 141/9 142/23 143/21</p> <p>144/4 151/22 159/13 160/4</p> <p>161/6 161/21 164/4 164/24</p> <p>169/7 171/8 171/10 178/12</p> <p>183/3 183/5 185/4 189/11</p> <p>200/20 201/19 204/23 210/1</p> <p>215/15 215/21 223/5 223/8</p> <p>223/11 223/13 224/15 224/21</p> <p>227/1 228/1 228/7 232/16</p> <p>232/20 243/25</p> <p>outlet [1] 63/19</p> <p>outside [12] 4/5 30/25 36/13</p> <p>36/24 55/3 55/4 90/20 91/1</p> <p>116/2 164/12 185/5 223/12</p> <p>outsiders [1] 170/6</p> <p>over [55] 6/24 13/3 16/22</p> <p>17/11 17/13 21/6 38/20 47/15</p> <p>47/17 64/23 70/12 71/8 71/8</p> <p>75/3 83/23 85/2 95/22 102/21</p> <p>102/23 108/25 123/14 126/10</p>
<p>O</p> <p>o'clock [5] 104/22 180/20</p> <p>181/5 242/18 243/5</p> <p>Oak [20] 40/19 48/22 49/10</p> <p>49/12 49/14 50/10 50/13 50/23</p> <p>54/18 59/25 164/1 164/7</p> <p>165/25 166/1 166/2 166/6</p> <p>178/6 193/18 193/24 194/23</p> <p>oath [5] 3/8 105/2 167/11</p> <p>170/23 170/25</p> <p>object [2] 96/11 240/7</p> <p>objecting [1] 239/9</p> <p>objection [58] 7/5 20/11</p> <p>25/22 27/17 29/7 29/19 36/15</p> <p>37/1 52/9 66/19 67/14 69/3</p> <p>79/12 83/6 85/12 89/18 94/23</p> <p>100/18 105/13 122/21 123/25</p> <p>124/3 133/10 134/7 146/6</p> <p>146/8 149/7 152/7 152/24</p> <p>152/24 154/8 158/16 162/21</p> <p>180/10 182/11 186/17 187/2</p> <p>187/23 189/24 191/20 193/5</p> <p>194/16 195/6 198/8 200/1</p> <p>200/9 207/21 215/24 217/13</p> <p>219/8 220/10 220/12 229/24</p> <p>234/9 237/8 240/4 240/9</p> <p>240/17</p> <p>obligation [3] 107/18 108/13</p> <p>110/17</p> <p>obligations [6] 107/9 107/10</p> <p>107/13 108/8 110/2 111/1</p> <p>obliged [1] 111/20</p> <p>obtained [2] 213/21 213/24</p> <p>obviously [4] 129/16 157/8</p> <p>190/9 193/8</p> <p>occasion [1] 148/1</p> <p>occasionally [1] 103/18</p> <p>occasions [1] 60/22</p> <p>occur [1] 206/13</p> <p>occurred [9] 30/21 76/13 77/1</p> <p>142/19 143/2 178/21 206/2</p> <p>206/5 206/9</p> <p>October [7] 149/4 212/8</p> <p>212/11 212/18 213/1 213/9</p> <p>213/17</p> <p>October 1st [1] 212/11</p> <p>October 2nd [1] 212/18</p> <p>October 5th [1] 213/1</p> <p>October 9th [1] 213/9</p> <p>off [30] 3/15 4/17 5/5 14/18</p> <p>18/14 30/4 31/9 33/5 37/25</p>		

<p>O</p> <p>over... [33] 127/22 137/12 139/20 139/21 140/14 146/21 147/9 157/8 160/13 160/19 160/20 161/15 161/25 162/5 162/13 162/13 163/13 168/2 168/23 169/5 176/19 181/10 182/7 182/12 184/3 191/4 224/24 224/24 225/7 231/17 231/17 233/20 242/25 overheard [2] 197/8 197/13 overruled [9] 25/24 29/20 52/10 83/7 94/24 146/9 152/8 219/9 229/25 owed [1] 27/15 Owings [2] 178/8 178/10 Owings Mills [2] 178/8 178/10 own [8] 17/15 101/12 103/22 119/5 157/13 190/5 190/12 190/17 owned [3] 100/12 100/16 101/23</p>	<p>parked [5] 10/11 10/13 10/15 14/12 14/14 parking [5] 50/19 51/15 52/16 56/25 137/23 parole [14] 21/12 73/20 73/22 73/24 74/13 74/23 75/4 75/4 75/5 75/18 76/1 76/4 76/16 76/18 part [19] 6/15 32/19 90/17 90/17 99/2 99/16 99/18 140/9 140/12 142/5 143/3 149/8 149/17 157/1 163/25 170/7 183/6 186/1 238/1 partake [1] 183/10 participate [1] 200/21 participation [1] 200/23 particular [4] 51/24 53/2 172/19 243/22 parts [1] 234/23 party [1] 24/21 pass [2] 136/3 232/24 passcode [1] 5/15 passed [2] 175/8 175/17 passenger [5] 10/22 16/17 54/10 54/12 175/2 past [6] 59/8 71/10 85/1 144/6 182/16 225/8 Patterson [4] 221/5 221/8 221/20 222/5 Paul [3] 1/18 2/9 205/21 Paul Enzinna [1] 1/18 Paul Hazlehurst [2] 2/9 205/21 pause [7] 3/6 14/25 15/10 15/18 62/24 65/16 184/12 pausing [1] 3/23 pawning [1] 73/1 pay [4] 41/25 43/15 117/22 130/14 paying [2] 37/24 41/18 payment [1] 210/2 payments [3] 210/5 214/21 230/21 peace [1] 163/22 penalty [4] 106/21 106/22 110/15 143/7 pending [2] 116/24 244/4 people [50] 7/10 9/19 20/15 23/3 27/10 29/3 29/5 41/7 41/15 41/23 42/19 49/14 49/18 50/18 51/18 51/22 52/16 53/25 55/15 70/4 70/5 70/6 91/1 97/10 100/5 128/17 138/7 138/11 138/15 138/18 138/25 139/6 140/17 140/24 161/6 163/5 163/16 163/17 163/20 164/4 173/21 177/17 182/22 189/1 189/4 189/16 230/12 230/16 239/18 242/3 people's [2] 73/1 127/15 per [2] 117/7 117/7 per se [1] 117/7 percent [2] 181/25 182/1 Percocets [4] 114/1 147/21 148/11 152/17 perfectly [1] 206/8 perform [4] 127/23 128/14 128/21 160/23 performed [3] 141/19 174/21</p>	<p>182/25 performer [1] 142/2 performing [1] 128/18 perhaps [1] 112/10 period [24] 31/11 33/19 44/20 69/19 70/19 75/11 75/23 87/5 117/5 127/16 129/4 160/13 160/20 162/14 163/13 171/25 175/6 177/14 181/10 210/6 210/14 225/13 225/25 231/17 periodically [1] 181/12 periods [2] 172/4 172/6 perjury [1] 7/21 permission [1] 4/12 permit [2] 50/12 240/24 Perry [3] 1/16 123/1 235/23 person [21] 18/16 18/20 19/1 19/4 19/8 27/1 28/10 30/13 37/21 51/24 52/1 55/23 56/14 60/25 65/19 119/5 131/10 135/21 140/22 169/1 219/2 personally [3] 148/23 148/25 161/16 phase [1] 134/19 phone [22] 5/9 5/11 5/19 5/22 6/4 33/21 34/1 38/21 38/22 57/9 57/10 67/5 67/7 69/1 100/3 115/1 139/3 223/17 223/18 224/25 238/5 238/9 photo [3] 49/18 49/20 202/16 photograph [9] 120/6 120/9 120/11 137/6 137/8 153/24 154/2 154/3 201/22 photos [1] 202/15 physically [1] 154/4 pick [5] 4/17 14/15 14/17 53/15 53/19 picked [1] 12/10 picking [1] 115/1 picture [3] 28/10 33/5 130/22 pictures [2] 5/19 119/20 piece [1] 220/15 Pikesville [2] 12/7 20/4 pinpointed [1] 108/2 Pirus [1] 166/19 pistol [1] 168/24 pizza [2] 72/6 72/19 place [9] 8/7 8/8 164/3 179/7 226/23 234/25 235/18 239/4 239/5 places [1] 128/6 Plaintiff [2] 1/3 1/14 plan [2] 209/4 242/5 planning [2] 236/5 243/12 plant [1] 230/14 play [6] 12/20 14/16 47/9 62/11 62/14 232/25 played [30] 12/22 13/6 13/11 13/24 14/19 14/23 15/5 15/16 15/21 15/25 16/4 16/13 16/20 17/2 17/6 17/9 17/19 17/23 18/3 18/7 46/13 46/22 47/10 62/23 63/7 65/14 65/25 122/9 233/3 233/5 playing [2] 65/23 174/15 plea [22] 6/15 7/22 98/15 98/18 99/2 105/6 105/22 106/10 107/8 109/13 110/18 111/17 111/19 142/12 142/25</p>
<p>P</p> <p>p.m [6] 103/11 105/1 184/9 184/17 243/7 244/20 page [31] 25/10 26/25 33/6 38/24 39/14 62/16 109/2 110/8 110/9 133/9 133/25 134/6 201/7 201/9 207/19 207/23 208/7 208/10 208/19 211/7 211/8 211/20 212/4 220/5 234/1 234/5 234/14 234/19 234/21 236/3 236/4 Page 1 [6] 133/9 133/25 134/6 234/14 234/19 234/21 Page 2 [3] 211/7 211/20 212/4 Page 211 [1] 62/16 Page 3 [2] 38/24 207/19 Page 4 [2] 109/2 208/10 Page 5 [2] 26/25 110/8 Page 60 [1] 220/5 Page 7 [2] 201/7 201/9 Page 8 [1] 25/10 pages [2] 236/17 236/19 paid [24] 38/13 38/16 40/14 114/9 116/16 118/5 128/21 128/23 171/7 181/12 181/23 182/2 209/23 210/17 210/19 211/6 211/14 211/23 212/19 213/2 213/10 213/18 214/11 216/15 paint [1] 31/9 paired [1] 172/25 Paparazzi [5] 24/20 24/22 24/23 25/13 161/5 paper [1] 218/6 papers [2] 235/25 235/25 paperwork [2] 176/22 193/4 paragraph [2] 134/25 235/2 Pardon [1] 114/23 parentheses [1] 95/21 Park [16] 28/16 40/19 54/17 55/11 57/23 61/16 126/4 126/12 164/2 179/4 179/5 194/20 195/22 206/6 206/11 223/4 Park Heights [1] 194/20</p>		

P	Q	R
plea... [7] 143/5 143/17 226/1 226/4 226/5 226/14 226/15 plead [1] 106/13 pleas [1] 95/10 please [13] 44/7 94/22 95/9 95/11 95/11 146/22 152/23 156/16 157/3 209/12 243/1 243/3 244/16 pled [3] 6/12 111/25 164/24 plenty [2] 95/13 97/1 plug [1] 202/19 PO [1] 111/6 point [46] 14/2 16/16 28/1 48/10 50/11 51/18 52/25 55/25 57/22 58/3 62/4 67/5 79/3 80/2 87/3 91/5 94/17 95/22 95/23 103/6 103/7 109/2 114/3 114/22 116/25 119/5 121/22 124/11 124/15 129/11 129/15 131/7 155/10 162/4 164/11 176/2 176/3 187/5 188/23 202/20 206/20 218/2 218/11 220/5 221/19 230/18 pointed [3] 72/18 88/23 91/14 pointing [2] 137/9 202/7 police [59] 21/15 23/22 30/24 78/18 79/3 79/10 80/8 80/19 81/9 81/21 81/24 81/25 82/14 82/18 82/22 84/20 87/11 87/13 88/2 89/6 89/15 91/5 97/9 97/12 98/25 99/23 101/24 102/5 103/1 112/21 113/6 113/14 114/12 115/8 115/18 116/5 121/22 131/23 132/17 150/19 151/4 152/1 152/13 154/20 181/11 185/21 191/5 191/12 192/10 206/20 208/15 210/9 210/15 215/13 215/17 215/19 217/23 222/2 239/25 pool [1] 24/21 portion [2] 14/21 122/9 positive [2] 89/12 222/15 possess [1] 201/12 possessed [1] 59/4 possessing [1] 6/21 possibility [1] 112/5 possible [4] 63/18 64/9 95/2 117/9 possibly [4] 7/21 83/15 95/1 104/8 posted [1] 202/9 posting [2] 29/3 119/20 potentially [2] 111/1 163/11 powder [4] 150/10 150/12 150/14 204/12 powder cocaine [3] 150/10 150/12 150/14 preceded [1] 238/12 precise [1] 243/19 prefer [1] 33/25 preferred [1] 33/23 pregnant [1] 129/23 prep [1] 225/17 prepare [2] 225/11 225/17 prepared [2] 196/8 242/15 present [6] 2/14 8/4 57/16	154/4 193/13 206/11 presented [1] 235/13 presenting [1] 235/10 pretty [7] 64/16 89/24 93/13 118/24 147/9 147/11 227/8 previous [3] 150/16 154/19 211/19 previously [4] 3/9 153/14 233/1 243/16 primary [2] 147/22 147/23 Princely [2] 20/4 20/5 Princely Drive [1] 20/5 Princely Way [1] 20/4 principles [1] 134/20 prior [3] 28/7 107/17 198/16 prison [19] 70/21 75/10 76/20 78/12 78/14 84/11 84/14 84/15 99/12 99/15 110/3 110/15 112/16 129/8 129/18 166/25 168/15 168/19 236/20 probably [18] 20/9 55/3 55/6 56/10 65/11 69/11 118/6 118/13 147/22 149/25 150/20 171/17 178/11 193/18 193/23 194/10 194/12 199/10 probation [19] 72/9 72/10 73/24 74/9 74/13 74/20 99/7 109/17 109/21 109/25 110/5 110/6 110/24 111/4 111/7 111/7 115/17 115/21 115/23 problem [13] 32/9 63/20 63/25 104/21 130/2 130/5 130/6 135/8 146/24 148/6 148/9 157/19 180/14 problems [2] 20/21 47/19 proceedings [1] 245/3 process [5] 78/5 82/21 95/17 97/15 147/5 production [2] 141/20 142/2 productive [1] 74/1 professional [1] 182/19 proffer [12] 83/18 83/19 83/22 85/6 85/10 85/16 87/12 95/7 116/11 124/10 228/24 236/22 proffered [1] 84/20 proffering [1] 87/22 proffers [2] 108/7 217/11 proficient [2] 227/8 227/8 promise [1] 187/6 promised [3] 83/8 145/24 203/2 promises [1] 146/1 promising [2] 97/18 171/7 proof [1] 96/17 proper [4] 105/19 105/21 134/8 134/23 properly [1] 236/4 prosecute [2] 72/14 226/5 prosecuted [2] 7/20 84/25 prosecuting [1] 81/17 prosecution [1] 145/15 prosecutor [3] 81/10 88/4 143/16 prosecutors [9] 82/22 85/17 103/1 122/18 123/4 123/6 123/14 225/10 228/18 protecting [1] 60/10 proves [1] 158/12	provide [3] 46/5 214/11 214/18 provided [5] 45/16 191/9 214/6 214/8 215/23 providing [2] 108/9 109/8 Puerto [1] 34/9 Puerto Rico [1] 34/9 pull [6] 62/18 77/16 160/5 161/23 202/19 225/1 pulled [20] 15/11 18/13 26/19 30/3 43/3 54/1 79/2 79/4 79/7 89/7 120/1 131/12 139/20 139/21 140/14 174/6 174/15 176/1 191/4 233/20 pump [2] 10/13 13/8 pumps [1] 8/8 punishment [1] 62/8 purchase [10] 45/7 45/17 45/19 117/14 117/18 119/15 237/21 237/25 239/4 239/17 purchased [1] 48/9 purchasing [4] 48/17 48/18 117/24 117/25 purpose [3] 31/23 92/21 156/12 purposes [12] 106/5 206/24 207/12 211/4 211/17 212/1 212/15 212/22 213/5 213/13 220/4 234/11 put [25] 9/13 20/17 31/24 37/20 90/11 107/16 118/22 127/21 134/23 135/5 140/20 144/3 157/17 159/14 167/15 167/20 169/15 170/24 170/25 185/9 226/25 234/16 235/9 236/2 238/18 puts [1] 158/11 puttin' [1] 167/22 Putting [1] 135/6 Q quantity [1] 118/12 question [23] 37/3 37/14 103/21 103/25 112/2 115/6 125/6 125/12 137/3 142/24 142/25 149/11 158/16 188/11 220/6 220/9 220/20 223/25 228/2 232/7 235/22 239/10 240/5 questioned [2] 206/1 227/14 questions [22] 3/17 67/21 84/3 107/16 107/22 108/6 133/18 165/6 184/5 186/20 205/12 205/25 222/19 225/15 225/20 230/21 231/20 232/15 233/14 240/22 240/24 243/8 quick [2] 54/2 184/1 quickly [2] 155/24 187/9 quiet [1] 55/16 quite [1] 144/12 quote [1] 153/3 quote/unquote [1] 153/3 R racketeering [3] 6/8 6/9 6/13 raise [1] 65/4 raised [1] 135/3 raises [1] 158/4 ran [5] 11/9 11/10 18/12

R	Case 1:16-cr-00267-LKG Document 1358 Filed 11/21/19 Page 272 of 283	recall [55] 12/9 31/3 31/4 42/13 42/24 50/21 53/22 53/24 55/17 60/7 72/22 78/25 79/21 79/21 80/2 80/18 82/1 82/2 85/22 86/8 87/3 87/9 87/12 88/20 91/12 92/14 101/10 105/6 105/10 106/7 106/9 107/18 108/8 109/20 110/2 113/1 114/18 114/21 115/1 116/10 119/16 123/21 125/12 130/8 142/4 150/20 151/6 159/21 180/5 186/7 215/15 223/6 223/11 229/19 244/14 recalls [2] 157/15 234/11 receive [3] 106/21 110/3 159/10 received [4] 95/8 230/22 236/1 236/20 recently [1] 153/6 recess [9] 44/1 44/5 44/12 44/13 103/9 104/23 184/7 184/14 184/15 Reckless [8] 135/12 135/13 135/14 135/14 135/20 135/21 135/22 137/2 recognize [7] 13/1 14/6 15/7 49/18 60/25 108/22 137/8 recollection [10] 17/15 220/3 220/14 222/1 222/4 229/19 237/4 237/17 237/19 241/7 recommend [1] 143/16 recommendation [5] 145/18 145/19 146/14 146/17 147/2 recommendations [1] 145/16 reconstruction [1] 134/18 record [17] 7/7 43/20 63/10 96/7 100/7 105/15 105/17 124/5 127/24 128/7 146/23 151/9 156/20 158/8 234/13 242/1 245/3 recorded [6] 127/15 152/20 174/18 190/10 217/8 227/20 recording [23] 21/23 21/24 22/6 23/4 89/17 89/20 127/2 127/4 127/6 185/16 185/18 185/21 185/25 186/3 186/5 186/8 186/9 187/14 190/3 190/13 190/19 196/25 197/23 recordings [8] 62/13 188/15 189/15 189/18 189/19 189/22 190/16 190/24 records [1] 25/4 RECROSS [1] 241/1 RECROSS-EXAMINATION [1] 241/1 red [3] 15/23 166/19 167/18 redirect [4] 7/14 228/11 228/13 235/3 refer [1] 207/19 reference [3] 213/21 221/4 221/12 referred [4] 13/16 15/14 25/13 47/21 referring [5] 11/1 11/6 23/17 30/7 47/22 reflect [1] 150/16 refresh [4] 92/18 220/3 220/13 237/4 regard [2] 129/1 219/19 Regarding [2] 107/23 107/24	regardless [1] 104/4 regards [1] 135/3 register [3] 44/22 115/22 115/23 registered [6] 52/24 81/20 111/6 206/20 207/7 245/6 registration [1] 207/13 regret [1] 240/20 regularly [2] 38/17 53/3 reiterated [1] 38/22 relate [1] 240/25 related [2] 158/23 159/1 relation [4] 41/8 95/25 145/9 157/23 relative [2] 10/12 46/19 release [6] 95/13 95/15 95/16 198/17 203/6 203/8 released [19] 70/14 70/16 70/18 70/25 73/17 73/25 75/16 87/23 87/24 88/12 97/22 111/25 112/16 198/13 198/17 198/21 199/11 199/15 203/11 relevance [1] 15/2 relevant [1] 115/13 remain [1] 78/14 remember [109] 3/20 3/23 10/9 11/15 25/18 36/5 41/4 41/6 41/8 42/8 42/11 43/1 57/10 60/18 75/21 78/24 78/25 79/6 79/9 79/20 79/22 80/2 80/6 80/7 80/8 80/19 80/22 81/14 81/20 82/4 83/16 83/20 85/10 85/16 85/20 85/23 85/25 86/16 87/4 89/13 92/10 92/17 92/24 94/10 94/11 98/2 108/13 108/14 109/6 109/10 111/23 113/6 115/5 118/6 119/18 125/21 126/18 131/8 133/18 135/12 135/14 135/16 135/22 136/13 138/23 140/25 141/2 141/20 142/7 151/1 151/25 152/2 152/4 152/5 152/9 152/22 153/2 153/7 153/15 153/18 153/21 154/15 154/17 155/2 159/19 177/10 184/1 191/6 193/3 193/7 193/9 194/9 194/12 218/22 223/12 227/16 231/5 231/22 232/17 232/19 233/16 233/25 235/16 236/25 237/7 237/15 237/23 238/16 244/10 remind [5] 16/15 52/22 62/8 103/20 232/22 rendezvous [4] 48/10 119/4 176/2 176/3 rep [1] 163/22 repeat [2] 185/1 228/2 repeated [1] 229/3 repeating [2] 63/16 63/17 repetition [1] 185/3 rephrase [1] 149/11 replay [2] 17/8 18/5 report [4] 152/21 203/21 215/21 219/5 reported [10] 1/22 46/13 46/22 47/10 62/23 63/7 65/14 65/25 233/3 233/5 Reporter [4] 1/24 245/6 245/6 245/7
---	---	--	--

R	238/10 238/12 Roy's [1] 54/2	satisfied [1] 68/13 save [1] 81/5
represent [2] 184/24 205/21 representative [2] 97/25 107/15 represented [5] 68/6 68/14 68/15 107/13 116/21 reprimanded [2] 202/12 202/13 reputation [1] 66/22 request [1] 104/9 required [3] 142/18 142/20 142/22 residence [4] 192/16 203/13 203/16 203/18 residential [2] 55/12 55/14 residue [1] 204/5 resolved [1] 244/2 respect [1] 38/11 responded [1] 107/16 responsible [3] 51/19 51/23 81/16 rest [1] 236/5 restless [1] 138/15 resume [1] 3/12 retake [2] 76/16 76/18 retaliate [3] 140/3 140/18 140/25 retaliating [1] 52/16 retaliation [2] 49/1 52/15 reviewed [1] 151/14 revolver [4] 121/1 121/2 121/8 203/25 Rick [5] 60/19 60/21 61/1 61/18 61/23 Rico [4] 34/9 84/17 142/13 164/24 ride [3] 23/13 23/16 23/19 ridin' [1] 141/6 riding [2] 55/7 56/1 rifle [5] 28/24 30/4 30/5 30/7 203/18 right [600] right-hand [1] 27/1 ring [1] 69/7 risk [1] 119/1 rival [2] 52/3 52/4 Ro [3] 60/9 60/10 60/10 Ro Ro [1] 60/10 Road [5] 27/7 179/2 206/6 206/10 223/4 roads [2] 138/4 138/6 rob [4] 30/3 30/3 30/14 220/24 robbed [4] 26/2 26/10 30/14 72/6 robberies [1] 166/25 Rogers [3] 192/23 194/19 194/19 Rogers Avenue [1] 192/23 rolled [1] 77/5 room [5] 47/16 83/18 83/18 83/19 165/15 roughly [1] 114/16 rounds [1] 169/3 Roy [25] 5/25 34/15 34/19 41/5 45/10 45/23 46/5 46/16 46/25 47/4 47/6 48/1 48/4 48/7 48/9 50/22 51/12 54/3 54/8 54/19 67/4 67/7 237/22	Ruger [2] 196/18 203/25 Ruger .44-caliber [1] 203/25 ruled [1] 243/23 rules [8] 26/5 52/12 62/7 170/1 198/18 200/17 200/20 202/12 rumors [2] 91/15 91/16 run [2] 21/11 119/7 runnin' [1] 17/14	saw [19] 21/19 23/14 29/3 55/7 55/25 56/2 90/11 92/4 118/15 119/4 120/6 122/8 122/8 129/7 136/18 161/19 173/17 186/7 190/10 say [60] 5/6 10/24 11/1 11/6 20/3 21/2 23/16 30/7 31/1 32/7 40/13 43/16 47/20 49/7 50/9 50/15 52/12 55/22 70/3 70/4 89/20 94/1 94/6 99/3 101/9 101/11 102/5 103/22 117/7 119/12 119/14 131/15 141/4 141/11 142/20 143/1 143/1 155/24 156/2 156/4 157/24 161/3 161/20 162/11 168/18 177/5 178/5 181/6 189/1 200/10 214/5 218/18 219/14 223/18 224/23 230/5 230/10 230/25 231/4 231/6 saying [37] 21/8 21/9 41/24 51/21 52/20 53/14 55/3 80/3 82/1 82/2 82/4 82/14 85/22 85/25 86/8 99/18 101/5 103/2 111/12 115/4 115/7 131/8 138/11 142/4 151/18 152/6 152/9 152/20 153/2 153/7 153/12 161/23 181/1 193/19 199/8 218/22 235/17 says [16] 14/8 25/5 38/25 39/3 39/5 39/8 69/10 69/13 134/17 149/4 158/2 176/22 193/4 208/13 234/7 234/14 scale [2] 117/22 118/7 scales [1] 204/5 Scar [1] 4/6 scared [1] 43/16 scene [5] 8/4 30/24 178/14 183/11 183/12 scenes [2] 128/15 179/15 schedule [1] 241/24 scheduling [1] 103/25 school [3] 224/10 224/10 224/11 scraped [1] 31/9 screen [4] 14/11 63/3 63/4 153/16 screening [1] 157/15 screenshots [2] 4/9 19/22 se [1] 117/7 search [6] 4/20 5/13 192/16 192/16 216/19 216/21 search warrant [4] 4/20 192/16 216/19 216/21 searched [4] 5/17 175/25 191/12 203/13 seat [6] 10/22 10/23 16/17 46/21 54/10 54/12 seated [1] 174/10 second [2] 77/25 78/2 seconds [4] 12/20 17/8 18/5 233/4 Security [1] 176/5 Security Square Mall [1] 176/5 see [61] 3/4 4/5 4/6 13/8 15/1 16/22 16/25 17/13 25/3
S		
S-T-R-8 [1] 141/23 safe [1] 214/5 said [139] 8/15 8/17 8/20 9/11 9/15 10/23 10/25 11/4 23/13 23/16 23/19 24/12 24/14 25/25 29/5 29/15 30/2 30/14 31/20 37/21 38/18 40/25 41/18 41/18 42/3 42/6 43/2 43/4 43/13 43/14 45/12 45/13 47/6 47/12 47/18 47/21 50/5 54/1 54/19 55/18 55/24 56/2 56/11 56/16 58/7 58/21 61/2 66/11 66/18 67/10 70/6 80/1 80/4 80/12 80/15 80/16 84/23 86/18 86/21 86/23 87/1 88/15 88/16 88/18 88/18 89/9 89/10 89/17 94/10 99/7 99/24 101/7 102/8 102/11 102/12 104/8 111/8 111/9 117/8 117/13 119/15 119/17 119/20 120/2 124/14 125/11 125/15 126/17 130/14 133/23 136/1 137/22 138/14 140/19 144/5 144/9 147/19 148/19 150/8 150/21 151/18 152/13 152/15 153/8 155/7 159/19 161/15 161/25 162/8 163/24 164/9 183/7 188/9 193/23 194/18 195/1 202/16 203/3 203/5 215/23 218/15 219/6 219/19 219/24 220/1 221/2 221/7 221/19 221/21 222/6 227/21 228/21 230/9 230/24 231/4 231/7 236/25 237/1 241/8 sale [3] 113/21 117/22 218/12 Samartine [14] 88/15 89/8 90/2 90/8 100/8 100/9 100/22 101/23 102/6 140/12 140/16 140/20 168/23 217/6 Samartine Hill [13] 88/15 89/8 90/2 90/8 100/8 100/9 100/22 101/23 102/6 140/12 140/16 168/23 217/6 same [28] 4/8 16/11 18/20 30/22 31/25 32/12 37/1 50/1 62/18 79/8 80/5 80/5 80/13 88/22 88/23 103/21 118/6 140/15 163/17 200/17 212/15 212/22 213/6 213/13 222/8 235/6 235/18 235/18 Samuel [2] 39/18 40/2 sanctions [1] 130/13 sanity [1] 95/19 Sardelli [5] 2/2 144/23 157/14 236/22 237/13 sat [1] 217/8		

S		Case 1:16-cr-00267-LKG Document 1358 Filed 11/21/19 Page 274 of 283	
see... [52]	25/5 25/16 28/21 29/4 35/4 54/14 57/4 62/18 64/20 69/20 84/9 93/6 94/11 94/20 104/22 110/4 119/12 122/12 122/15 134/11 135/20 143/22 146/22 151/18 153/15 159/25 160/4 160/7 160/21 164/11 175/5 175/12 175/14 175/17 176/9 177/2 179/14 180/24 186/10 201/25 204/25 205/2 207/20 208/4 208/11 208/12 221/4 233/10 234/7 237/4 241/23 244/18	seven [3] 225/14 230/24 231/2 several [7] 85/24 122/17 122/25 153/25 208/19 229/6 235/11 SF [14] 4/2 12/19 18/15 18/18 18/19 18/24 18/25 19/3 19/6 19/7 19/10 19/13 19/16 19/19 SF-4-C [1] 18/19 SF-4-E [1] 18/25 SF-4-G [1] 19/3 SF-4-H [1] 19/6 SF-4-I [1] 19/7 SF-4-J [1] 19/10 SF-4-K [1] 19/13 SF-4-L [1] 19/16 SF-4-M [1] 19/19 Shakeen [14] 2/8 205/21 206/15 215/14 216/3 216/6 218/18 218/22 219/6 219/15 219/19 219/25 222/2 222/13 Shakeen Davis [14] 2/8 205/21 206/15 215/14 216/3 216/6 218/18 218/22 219/6 219/15 219/19 219/25 222/2 222/13 shall [7] 108/8 109/7 209/3 209/4 209/4 209/7 209/8 shape [1] 120/2 sharing [3] 32/5 32/6 32/8 she [46] 9/10 22/12 35/24 35/25 35/25 36/11 45/21 45/22 46/1 46/3 47/18 47/19 50/4 51/8 51/8 51/10 81/16 87/23 87/23 88/7 93/17 97/5 99/7 102/11 102/15 102/17 102/18 111/17 120/25 124/24 124/25 129/23 129/23 135/23 136/3 136/3 136/3 136/6 136/16 136/18 136/23 228/24 234/19 234/21 236/15 236/17 she's [5] 69/6 121/14 124/9 137/13 235/17 shift [3] 26/24 31/10 43/22 shifting [1] 16/6 shirt [2] 4/7 137/9 shoe [1] 13/20 shoes [1] 13/18 shoot [4] 55/23 77/21 128/6 227/22 shooter [2] 66/23 70/1 shootin' [6] 11/5 17/17 29/3 31/7 86/5 91/21 shooting [75] 3/21 4/10 8/4 8/7 8/18 12/3 12/4 12/11 18/6 20/7 29/1 30/17 30/20 31/2 56/8 59/2 77/17 77/23 78/1 79/2 80/10 81/17 85/21 85/23 87/8 88/7 88/15 88/18 89/25 90/2 90/6 90/9 91/8 91/10 92/3 100/8 100/8 100/22 102/6 105/7 107/1 107/6 112/17 122/6 125/7 125/18 137/17 140/12 140/23 148/14 154/13 159/5 159/6 159/7 159/16 159/20 178/21 179/7 185/5 185/5 185/9 186/21 186/23 206/2 206/5 206/9 206/13 206/17 219/20 221/15 228/21 229/3 229/12 240/2 241/4 short [1] 220/15	shorten [1] 96/19 shortly [1] 67/19 shot [33] 11/2 15/4 15/8 30/4 38/7 55/8 55/18 55/20 56/4 56/11 69/23 70/5 76/21 77/23 78/5 79/1 80/3 80/5 80/9 80/14 86/5 86/18 86/24 137/20 148/11 154/23 154/24 155/4 178/3 178/13 181/2 217/6 220/23 shotgun [2] 121/1 203/23 shots [4] 18/11 77/24 78/3 155/2 should [16] 3/4 7/4 7/10 52/12 63/4 64/25 93/16 96/14 100/11 145/17 219/5 219/12 219/13 220/13 240/7 242/9 shouldn't [2] 96/16 102/24 show [89] 4/1 8/24 9/2 9/21 11/17 11/22 12/19 14/5 18/15 18/18 18/24 19/3 19/6 19/10 19/13 19/16 19/19 22/25 24/20 24/25 25/1 25/2 25/10 25/12 25/13 25/16 26/6 26/17 26/24 29/10 30/9 30/9 32/14 32/15 32/21 33/1 33/2 33/7 33/12 34/5 34/12 34/16 34/20 34/23 35/2 35/6 35/13 35/18 38/24 42/16 46/7 46/12 47/24 48/2 49/4 49/17 50/25 59/20 60/24 61/6 66/2 66/8 66/13 69/9 80/17 92/18 92/18 93/5 105/11 108/16 120/4 120/9 133/8 133/14 133/25 137/6 156/22 157/18 160/23 161/1 161/5 201/6 206/23 207/11 211/3 211/6 211/16 220/3 233/23 showed [3] 185/21 190/16 214/23 showing [10] 51/5 153/14 211/7 211/20 211/25 212/4 212/14 212/21 213/4 213/12 shown [1] 130/22 shows [4] 142/10 161/2 161/3 161/3 sic [6] 54/17 55/11 179/4 179/5 227/14 228/4 side [11] 10/18 14/4 14/8 27/1 28/10 77/5 77/5 165/15 171/10 175/2 244/1 sides [1] 243/21 sidewalk [1] 169/9 sign [2] 74/17 210/18 signature [8] 207/20 208/4 208/8 208/11 208/12 209/18 211/7 211/8 signed [17] 23/21 108/15 109/7 110/4 111/25 132/25 151/14 198/6 198/19 199/24 200/7 200/14 201/18 207/3 210/9 215/20 230/2 significant [2] 35/9 206/19 signify [1] 233/12 signing [2] 107/20 109/10 similar [2] 211/19 212/1 simply [1] 147/5 since [14] 59/10 71/2 71/5 97/8 129/5 129/6 136/19 136/21 157/10 158/11 185/2

Case 1:16-cr-00267-LKG Document 1358 Filed 11/21/19 Page 276 of 283		
S		
standing [6] 29/24 64/16 120/19 131/12 137/13 168/22	stood [2] 102/11 240/7 stop [10] 29/9 32/14 38/15 55/24 56/2 79/1 80/3 114/20 115/25 156/10	sure [28] 43/19 64/2 71/22 72/21 87/6 93/3 96/21 103/22 104/1 104/11 108/20 112/9 116/7 123/3 143/20 143/23 156/12 156/14 156/19 177/25 179/2 205/22 205/23 214/21 218/25 239/13 242/4 242/16
stands [2] 134/14 146/20	stopped [12] 56/4 63/3 86/5 113/2 113/6 113/9 115/7 115/18 116/5 140/7 196/11 223/13	surveillance [4] 4/9 12/14 12/16 176/7
start [8] 77/17 85/18 103/10 184/8 185/4 189/8 198/24 241/21	store [1] 178/22	suspected [1] 62/5
started [18] 8/18 11/5 17/14 17/17 31/18 40/13 41/13 48/24 51/20 79/2 138/10 142/3 156/11 176/14 198/22 199/9 199/18 224/15	stores [2] 14/3 14/8	suspend [2] 109/14 111/21
starting [5] 12/20 14/16 88/13 142/4 209/3	story [9] 78/21 79/22 88/22 88/23 187/19 187/21 188/4 194/15 229/3	suspended [1] 110/23
stash [10] 191/25 192/3 192/11 192/22 193/9 193/14 193/21 194/1 194/21 194/24	Str8 [2] 141/21 141/22 Str8 Mobbin' [2] 141/21 141/22	sustain [2] 158/16 230/18
stash house [10] 191/25 192/3 192/11 192/22 193/9 193/14 193/21 194/1 194/21 194/24	straight [3] 100/7 132/2 141/19	sustained [15] 20/12 27/19 36/17 66/20 67/15 154/11 162/22 186/18 187/3 187/24 188/10 191/21 195/5 215/25 240/18
state [25] 71/18 72/13 95/1 98/15 99/13 105/7 105/22 106/11 106/23 107/10 107/14 107/15 108/2 108/9 109/7 109/8 111/12 143/15 167/4 198/1 216/3 216/6 216/6 226/1 228/18	strap [1] 51/21	switched [3] 63/3 167/1 168/2
state court [2] 216/3 216/6	strapped [4] 52/20 52/22 138/12 171/15	SWORN [1] 3/9
state's [3] 81/12 200/18 202/25	street [21] 1/24 5/5 7/25 11/10 23/14 40/20 54/17 70/20 71/1 82/12 82/18 88/19 97/8 112/1 112/19 153/11 160/1 163/1 181/3 227/9 227/25	Syd [5] 27/3 27/4 27/12 28/5 28/6
stated [2] 79/8 239/10	streets [11] 100/5 127/25 128/2 138/4 153/9 178/8 199/2 199/23 205/6 205/7 226/23	Sydni [2] 2/11 223/21
statement [8] 79/5 79/10 79/25 80/17 95/21 143/2 150/20 152/20	strike [4] 127/9 143/25 149/14 188/25	Sydni Frazier [2] 2/11 223/21
statements [1] 70/10	strip [2] 160/5 164/12	system [8] 63/23 64/19 71/18 71/23 72/13 75/8 143/15 167/4
STATES [4] 1/1 1/3 1/16 122/18	strong [1] 112/5	T
station [19] 8/5 8/8 10/14 10/20 11/14 12/14 12/25 14/4 14/7 29/2 30/20 79/3 122/6 125/7 125/18 126/2 126/16 137/25 173/20	struggle [1] 31/25	T's [1] 50/14
status [6] 135/1 135/5 135/6 136/20 157/23 158/9	stuck [1] 71/23	T-Roy [25] 5/25 34/15 34/19 41/5 45/10 45/23 46/5 46/16 46/25 47/4 47/6 48/1 48/4 48/7 48/9 50/22 51/12 54/3 54/8 54/19 67/4 67/7 237/22 238/10 238/12
stay [9] 9/12 12/8 36/8 57/2 74/1 117/8 160/2 242/3 242/18	studio [21] 21/21 21/22 21/23 21/24 22/1 22/5 22/7 22/10 23/4 67/11 92/6 126/18 126/21 127/4 127/6 127/11 127/15 127/15 127/17 127/21 128/8	T-Roy's [1] 54/2
stayed [4] 12/9 57/4 156/13 168/15	studios [2] 127/13 182/22	tab [1] 62/16
staying [1] 164/16	stuff [5] 13/10 14/1 32/13 100/4 225/1	table [3] 96/10 135/7 225/7
stealing [1] 73/1	style [1] 80/5	take [29] 8/7 32/9 43/25 44/5 44/11 70/12 94/4 95/20 103/8 108/22 109/3 109/5 110/8 112/14 118/14 137/8 140/6 153/24 154/2 154/3 158/14 175/14 178/7 181/8 184/13 186/4 201/3 218/6 222/22
stenographic [1] 245/2	subsequently [1] 12/16	taken [11] 6/6 42/4 44/13 78/22 104/23 124/15 125/15 160/16 170/23 170/25 184/15
step [1] 144/4	substance [2] 157/2 157/4	takes [1] 95/17
stepchildren [1] 95/14	substantial [2] 102/12 147/7	takin' [2] 86/16 119/2
stepped [1] 129/16	substantive [1] 91/19	taking [12] 37/8 37/8 86/9 86/15 89/15 89/21 124/18 125/10 125/12 125/14 194/4 238/1
stick [5] 31/10 33/17 33/17 63/4 242/10	Subway [1] 14/8	talk [19] 7/25 22/22 23/7 23/10 23/25 38/9 43/3 43/9 52/16 57/9 117/10 147/6 157/2 165/21 178/1 180/15 206/19 234/23 243/2
still [31] 3/8 30/24 30/25 37/2 47/13 65/6 68/9 83/15 84/15 87/22 92/9 92/10 93/10 93/19 95/7 101/5 103/14 104/3 105/2 116/18 121/19 135/4 138/4 167/1 167/5 171/22 177/16 186/6 186/6 186/11 198/14	successful [2] 134/17 134/24	talked [19] 20/6 29/5 36/1 41/16 57/12 78/18 103/18 122/19 150/17 152/22 159/8 159/16 161/10 162/24 163/4 165/12 165/14 227/15 227/23
stipulation [1] 110/5	such [4] 81/23 143/5 200/22 200/24	talkin' [3] 67/7 85/23 193/18
stipulations [1] 111/7	suggest [1] 234/10	talking [36] 4/18 29/22 34/11 44/19 46/24 51/25 53/25 58/9 84/1 91/4 92/9 99/15 117/2 122/3 124/15 136/14 143/25
stole [2] 21/8 107/3	summertime [1] 199/23	
stolen [2] 203/21 204/2	supervised [4] 73/25 109/17 109/20 110/24	
	supplied [7] 189/2 189/4 189/16 189/23 190/3 190/24 191/19	
	supplier [1] 189/22	
	suppliers [1] 32/8	
	supplying [4] 189/11 189/15 190/3 190/20	
	supposed [21] 21/5 21/9 21/14 27/15 32/3 52/1 52/15 60/8 74/1 81/23 82/2 82/5 93/18 99/4 108/5 117/1 136/6 136/23 136/23 202/17 218/3	
	supposedly [1] 232/23	

T			Terms [10] 103/15 107/8			136/22 136/22 137/25 141/23		
talking... [19] 145/13 146/1			142/25 143/5 145/20 145/21			142/21 143/11 144/21 145/21		
150/10 150/11 150/13 158/6			226/4 226/16 227/5 227/6			145/24 145/24 146/25 147/2		
160/13 160/16 160/19 162/13			Terrell [11] 6/19 76/21 81/17			149/12 150/21 154/1 156/7		
162/17 164/1 164/2 164/3			85/21 88/7 90/6 186/20 186/21			157/7 164/5 164/7 165/13		
164/3 179/7 185/23 197/13			186/24 227/14 228/4			165/22 166/5 166/7 166/14		
225/25			Terrell Gale [9] 6/19 76/21			168/18 170/11 170/13 170/14		
tall [1] 13/22			81/17 85/21 88/7 90/6 186/20			173/20 174/3 174/5 176/22		
taller [1] 13/18			186/21 186/24			176/22 178/24 188/23 189/20		
Tanza [3] 136/5 136/7 137/11			Terrell Gates [2] 227/14			191/2 193/4 194/21 194/21		
tap [5] 34/4 155/13 155/17			228/4			194/25 195/1 196/4 204/21		
155/24 155/24			territory [1] 28/15			214/11 216/20 217/5 221/2		
tape [3] 30/24 221/10 227/20			testified [31] 4/19 4/22 6/12			221/7 221/19 228/7 230/11		
tape-recorded [1] 227/20			9/25 11/25 19/25 23/7 27/4			233/8 234/15 234/17 235/22		
taping [1] 86/12			59/12 61/10 62/7 67/1 147/16			239/11 239/17 241/13 241/15		
tapped [1] 238/5			191/3 191/3 206/1 215/3 215/9			244/4		
targeting [1] 154/23			223/4 226/3 228/17 229/2			their [8] 52/5 52/23 97/25		
tattoo [1] 169/13			230/2 230/22 231/8 231/13			103/22 107/22 145/21 148/1		
taxi [1] 9/13			231/25 238/18 239/3 239/4			227/10		
team [2] 161/8 173/3			239/18			them [111] 4/15 5/15 8/16		
Team Cash [1] 161/8			testify [2] 7/24 98/21			10/9 10/25 11/1 32/10 34/11		
tech [9] 4/6 63/21 135/16			testifying [4] 146/6 146/8			45/1 58/24 58/25 59/2 64/9		
135/18 136/11 232/19 232/22			149/7 232/19			73/1 78/19 78/25 79/7 79/22		
233/8 241/14			testimony [10] 7/8 123/15			79/24 80/20 82/1 82/2 82/4		
tech-savvy [1] 63/21			150/22 223/6 225/8 225/11			82/19 83/8 83/10 85/2 85/9		
technical [2] 62/20 111/4			227/16 239/7 239/10 242/16			85/20 86/6 86/19 87/1 87/7		
technician [2] 64/3 64/23			text [10] 5/22 6/4 57/10			87/9 89/5 91/12 91/15 92/8		
teenager [1] 80/25			57/19 132/3 132/5 138/14			92/8 97/16 98/19 98/25 99/16		
tell [98] 4/3 8/9 8/25 9/3			139/3 140/13 141/4			100/2 100/3 100/4 100/24		
15/11 15/18 16/2 17/15 17/25			text messages [2] 5/22 6/4			101/7 101/17 112/23 113/14		
23/12 24/3 24/13 24/19 25/21			texting [5] 53/24 138/10			115/7 115/10 119/6 119/8		
26/12 26/22 27/1 27/14 27/22			179/24 180/13 180/17			119/12 120/7 132/1 132/2		
30/1 34/7 37/23 38/20 38/25			texts [3] 180/8 180/19 181/5			133/4 139/12 150/3 150/6		
39/3 39/5 39/8 40/17 41/13			than [16] 15/9 28/20 76/11			150/6 150/19 151/6 157/3		
41/17 42/5 42/22 43/12 47/1			112/7 114/1 118/18 123/10			171/7 176/17 177/1 181/14		
55/1 55/25 57/12 57/15 58/1			123/13 138/3 143/21 158/5			182/9 183/1 185/22 188/22		
58/3 58/24 58/25 59/2 59/8			175/20 176/18 179/10 215/6			189/1 189/14 190/10 192/13		
60/6 60/11 60/13 61/17 61/23			223/21			193/1 193/9 193/16 193/21		
62/2 65/11 65/16 73/22 74/25			Thank [34] 44/2 44/11 67/22			194/4 194/9 194/13 194/15		
84/23 89/5 91/8 92/2 92/7			67/24 92/20 96/22 103/7 104/6			197/13 205/3 205/3 209/17		
93/8 97/12 103/2 108/16 115/8			104/24 105/4 106/2 117/21			215/16 215/17 215/20 215/22		
115/17 115/21 117/4 121/6			137/4 144/20 144/22 144/24			218/12 218/15 225/20 226/9		
124/24 131/23 132/13 132/17			151/21 158/17 182/13 184/5			226/22 227/23 227/24 228/3		
133/15 140/23 141/7 141/14			184/19 205/12 205/14 205/16			228/4 228/7 228/7 228/8 232/9		
157/9 175/20 175/21 176/11			206/18 209/22 211/1 212/13			232/11 232/13 241/8		
180/23 180/24 189/21 193/21			228/10 241/19 241/20 242/12			then [121] 9/14 10/20 12/10		
211/5 211/10 211/18 212/4			242/18 243/6			17/16 18/13 28/7 42/6 42/7		
212/17 213/6 217/2 229/11			Thanks [1] 147/13			44/5 48/5 51/12 51/20 53/23		
232/7 232/11 233/7 237/17			that [1122]			54/1 55/3 55/5 56/18 57/2		
241/10 242/8			that's [154] 9/1 9/4 9/24			61/20 64/7 64/23 65/9 65/19		
telling [28] 15/2 25/18 54/22			11/19 11/24 12/25 13/2 13/9			69/17 70/24 70/24 71/24 71/25		
72/18 74/13 78/25 80/19 80/21			13/9 13/10 13/19 14/4 14/7			72/1 72/8 72/10 75/7 75/20		
85/7 85/16 85/17 85/20 87/7			15/3 15/20 15/24 16/3 19/9			79/5 80/1 80/1 80/16 80/17		
87/9 91/15 91/19 99/21 107/20			19/18 20/19 23/2 26/8 29/12			87/18 88/7 89/6 92/6 92/18		
114/18 140/17 149/9 149/23			30/12 32/17 32/23 33/5 33/16			93/18 99/6 101/6 101/8 101/15		
150/9 151/6 189/14 194/25			34/8 34/15 34/22 35/4 35/20			102/22 105/23 108/15 108/16		
229/20 240/20			38/1 39/11 40/12 42/4 42/4			110/20 111/4 111/17 114/18		
temp [1] 199/22			42/18 42/25 43/15 43/25 47/14			114/25 115/23 116/21 118/12		
temporary [1] 149/22			49/6 49/12 49/12 49/19 49/19			119/6 120/19 121/14 121/25		
ten [3] 72/8 73/7 75/6			50/6 59/23 61/1 61/9 64/8			122/1 122/3 123/21 127/7		
tend [1] 78/6			64/20 65/18 66/10 71/22 73/24			127/21 129/23 132/23 133/15		
Teresa [2] 1/19 68/3			75/6 75/7 76/1 76/22 79/25			134/15 134/25 137/22 138/10		
Teresa Whalen [2] 1/19 68/3			79/25 80/15 80/15 80/16 80/16			138/21 139/9 139/24 140/1		
term [4] 83/20 155/12 155/15			81/3 83/4 86/20 87/4 88/14			141/2 141/5 141/8 141/23		
165/1			96/11 97/18 100/20 103/20			151/16 151/19 152/13 155/9		
terminate [2] 226/4 226/14			104/15 104/19 111/13 112/5			156/2 156/11 161/5 161/24		
terminated [3] 7/20 226/1			115/24 116/10 117/25 119/13			166/25 168/15 171/23 172/16		
226/10			120/20 121/3 125/14 126/11			172/22 176/22 189/10 194/15		
			129/7 130/11 130/20 133/13			195/1 197/7 198/16 199/18		

<p>T then... [17] 203/10 211/23 215/15 218/16 221/15 221/25 222/9 222/16 223/15 223/17 224/15 224/18 224/24 227/3 228/23 230/25 244/11 then-Lieutenant Garber [1] 87/18 there [208] 4/4 5/22 6/4 8/10 9/14 10/9 11/14 12/9 12/14 20/7 21/11 21/13 22/1 22/7 26/19 28/1 29/4 29/9 29/22 29/24 30/2 30/16 34/14 34/18 34/25 35/3 35/7 35/19 36/11 37/7 37/8 37/9 37/13 37/15 40/14 40/20 41/2 41/4 41/5 41/5 41/7 42/22 45/18 46/15 46/24 47/12 49/16 50/8 50/9 50/18 50/21 50/22 50/22 50/23 50/23 50/23 50/24 51/3 51/10 51/13 51/21 52/3 52/6 52/21 53/2 55/15 56/20 58/8 61/19 62/4 63/20 64/6 64/6 64/8 64/25 65/11 65/16 67/3 68/11 69/9 71/15 71/23 72/10 77/8 77/12 81/24 83/17 84/6 85/18 87/21 90/24 90/24 90/25 91/2 91/15 93/23 95/13 95/16 95/25 98/9 102/21 102/22 103/22 104/16 107/8 111/25 113/9 116/19 119/7 121/12 122/17 122/25 123/19 124/6 124/9 124/22 126/10 127/2 127/13 127/18 127/22 127/23 127/24 128/9 130/8 131/13 134/7 137/9 137/12 137/16 139/6 140/19 143/14 145/18 146/21 147/6 148/12 153/16 159/21 163/5 164/8 164/15 168/8 169/9 170/14 173/22 174/1 178/8 178/21 180/19 182/8 182/22 183/6 185/2 188/1 188/14 189/11 192/15 193/7 194/4 196/25 197/14 197/17 201/20 203/11 204/23 205/1 208/11 208/17 208/19 209/18 210/5 213/16 213/20 214/5 214/23 215/21 215/21 215/21 219/6 219/13 219/14 219/19 219/22 220/2 220/6 221/12 222/18 223/5 223/8 223/11 223/14 224/7 224/10 224/21 224/22 224/24 225/3 226/12 226/14 228/23 229/22 236/19 236/19 238/12 240/5 240/5 242/2 there's [26] 6/25 27/17 63/12 64/24 95/21 96/14 104/7 106/10 124/9 134/8 145/19 146/24 147/7 157/16 164/4 166/7 190/19 191/16 191/19 196/24 196/24 197/23 206/19 212/8 225/17 244/1 Thereabouts [1] 12/21 these [22] 4/9 15/7 19/22 58/9 86/14 95/17 102/21 111/19 136/21 136/21 157/13 163/5 180/8 202/15 214/25</p>	<p>217/23 218/5 222/21 234/25 235/12 237/9 237/9 they [180] 4/22 8/12 10/11 10/12 10/15 11/9 17/14 18/1 18/12 18/12 21/7 21/8 21/11 21/13 21/13 30/2 30/2 30/3 30/3 32/8 32/13 34/3 34/3 35/11 38/3 42/6 51/20 51/21 51/21 51/22 51/24 51/25 52/6 52/20 53/13 53/14 55/3 55/5 55/5 55/5 55/6 60/8 60/11 60/14 64/1 65/1 78/15 78/15 79/4 79/7 81/23 82/22 84/3 84/23 86/9 86/12 86/18 87/4 89/15 89/17 89/21 89/24 90/2 90/5 90/8 91/3 96/10 101/5 101/11 110/5 113/9 113/9 116/7 118/21 118/22 119/7 119/9 119/14 119/15 119/20 119/23 120/1 120/6 120/9 121/19 121/23 125/10 125/14 125/15 126/18 128/14 128/19 128/21 128/21 129/13 129/18 129/20 138/11 139/12 140/1 140/9 141/6 141/6 147/4 157/8 159/13 163/21 164/12 164/12 168/10 168/11 170/20 170/20 170/25 171/19 173/8 173/22 176/11 176/11 176/11 176/12 181/6 181/15 181/22 181/22 181/23 181/25 182/1 183/18 185/16 185/22 185/25 186/3 186/5 186/5 187/16 188/18 188/21 188/24 189/15 189/18 189/19 189/22 191/14 194/18 195/1 202/12 202/13 202/16 202/19 202/19 203/15 205/1 205/3 216/21 216/21 217/8 217/9 218/5 218/6 220/24 225/15 225/20 226/1 226/4 226/6 226/6 226/20 226/21 226/21 227/19 230/8 232/24 233/20 235/8 235/17 235/17 235/18 235/20 240/25 they're [7] 49/21 168/11 170/3 170/21 235/1 235/9 237/10 They've [2] 170/23 170/23 thing [22] 7/1 16/11 34/22 48/12 65/7 74/2 79/8 82/5 101/11 102/23 135/10 144/15 165/19 190/5 190/12 190/17 196/11 206/8 222/8 234/24 235/6 235/21 things [21] 21/7 59/8 65/6 73/1 81/23 84/19 85/17 92/8 96/19 97/12 102/21 103/22 111/20 114/9 119/18 129/24 163/2 183/3 188/14 203/3 210/2 think [94] 7/12 11/13 11/16 20/4 21/11 22/3 31/8 34/8 45/15 46/1 57/11 63/1 63/2 63/3 63/22 63/22 69/14 77/25 80/4 80/9 80/15 86/23 87/18 87/25 90/25 91/5 91/23 95/21 96/17 99/21 104/9 105/18 105/21 105/23 113/1 114/14 114/24 114/24 115/9 115/10</p>	<p>116/7 117/10 117/17 119/7 121/16 121/23 121/25 124/14 128/23 131/25 132/3 132/6 133/13 134/8 140/9 147/8 151/16 152/17 155/23 157/14 157/15 157/25 158/1 158/2 158/4 161/19 162/8 163/4 175/19 179/10 179/12 180/6 182/10 183/1 184/6 187/24 193/10 193/15 218/15 218/24 220/12 222/11 222/16 228/15 230/23 231/25 235/3 239/11 242/5 242/19 243/16 243/24 244/1 244/11 thinking [3] 90/22 93/23 101/22 thinks [1] 7/10 this [206] 6/6 8/1 12/20 12/24 13/1 14/13 14/21 15/9 15/19 15/23 16/2 16/6 16/9 16/15 16/18 17/4 17/21 18/20 18/22 19/1 19/8 19/11 20/7 21/16 25/3 25/8 25/10 25/13 25/18 27/18 27/24 28/4 29/15 37/21 39/14 46/19 46/20 47/16 48/12 48/12 48/16 49/18 49/20 52/13 53/9 53/25 54/24 55/9 55/15 56/7 57/19 58/10 62/16 62/22 63/4 64/18 64/22 64/25 65/4 65/6 65/7 65/8 68/7 69/10 70/8 70/13 78/24 79/11 79/24 80/2 80/10 80/21 80/23 82/25 84/13 86/16 91/5 92/21 94/1 94/7 94/20 94/22 95/12 95/18 96/13 100/24 102/23 103/7 104/5 104/6 104/15 106/4 106/5 107/20 108/1 110/2 110/22 114/19 120/6 120/11 121/22 123/7 131/15 132/4 132/24 133/11 133/16 133/16 134/2 134/2 134/23 135/1 135/2 135/8 135/10 135/11 135/20 137/8 143/12 143/17 144/8 145/15 147/5 149/11 151/10 151/12 152/25 153/15 154/4 154/6 157/1 157/5 157/5 157/5 157/11 157/19 157/24 158/11 158/14 158/14 161/1 161/8 164/24 165/4 165/15 165/17 165/17 169/8 173/21 173/21 173/24 173/24 174/22 177/13 178/21 182/17 184/6 185/18 185/23 186/15 189/1 190/2 192/10 192/22 193/1 196/19 196/25 197/1 197/5 197/9 197/14 197/21 199/18 200/23 201/22 202/2 202/9 202/16 205/13 208/13 208/25 209/2 209/6 209/12 209/23 214/25 215/6 216/7 216/10 217/2 220/15 225/11 226/24 229/7 229/11 230/10 230/18 233/1 234/1 234/3 234/9 234/10 234/10 235/4 241/14 243/14 thoroughly [1] 133/4 those [43] 4/4 4/13 15/8 30/2 69/24 77/9 87/16 87/19 88/5 103/1 111/7 113/20 114/18</p>
---	---	---

Case 1:16-cr-00267-LKG Document 1358 Filed 11/21/19 Page 279 of 283			
T			
those... [30] 121/19 128/15	109/15 110/22 110/23 111/5	188/22 189/1 189/4 189/11	
128/17 132/12 134/22 135/8	111/21 112/7 112/7 112/15	192/22 193/16 194/15 195/8	
135/10 138/16 138/25 139/9	112/25 113/25 114/5 115/12	196/16 196/17 197/8 215/13	
142/7 145/20 146/5 147/22	115/20 116/9 116/25 117/5	215/16 215/17 215/18 215/22	
151/20 161/15 163/16 163/17	117/8 117/13 117/17 118/18	218/12 218/15 219/25 220/1	
170/5 182/25 183/20 183/20	118/25 122/22 122/24 123/4	220/9 220/20 220/23 222/1	
190/9 204/20 204/23 204/24	123/19 126/15 126/19 127/16	222/4 222/6 222/11 222/16	
208/22 209/10 224/19 243/19	127/20 127/21 127/22 129/4	227/13 228/7 228/8 228/20	
though [8] 79/22 100/11	129/6 129/20 129/22 129/23	229/14 229/17 231/20 231/25	
112/12 115/12 127/20 158/10	130/8 132/7 132/11 132/25	232/6 237/13 240/1 240/13	
168/10 218/2	133/2 136/18 141/14 143/17	241/4 241/8 241/11 241/13	
thought [19] 43/21 63/24	143/18 143/20 144/8 144/9	242/19 243/16	
63/25 64/2 64/11 65/1 77/8	145/13 150/16 152/16 160/6	tomorrow [3] 242/9 242/22	
86/18 113/9 129/20 153/8	160/13 160/19 162/4 162/5	243/24	
157/12 164/9 169/11 220/1	164/11 165/4 171/2 171/2	too [15] 29/24 37/2 37/9	
221/21 221/22 222/6 234/15	171/15 171/16 171/16 172/17	51/10 57/18 60/23 74/10 83/4	
thousand [14] 48/19 117/18	173/21 173/21 174/20 177/15	98/16 100/24 141/12 170/13	
117/23 118/8 118/9 118/24	177/20 178/8 181/5 181/10	178/8 179/20 230/19	
124/12 181/15 197/1 211/12	182/4 182/5 183/17 184/1	took [8] 8/8 123/24 125/7	
213/3 213/11 213/19 226/9	184/7 188/24 191/4 193/1	167/11 170/23 179/7 239/4	
thousands [1] 181/18	193/7 193/8 193/12 193/16	239/5	
threaten [1] 77/19	194/14 198/16 206/8 207/3	top [8] 35/4 38/25 38/25 58/2	
three [18] 5/1 10/10 74/24	214/17 215/20 217/22 219/14	80/18 110/16 233/9 234/7	
75/3 75/11 109/17 109/20	221/19 224/21 225/13 226/25	topics [3] 26/24 31/10 43/22	
109/22 117/11 122/9 139/10	228/17 232/1 235/18 237/25	total [4] 108/1 123/6 214/21	
160/7 161/15 171/22 204/5	time served [9] 98/4 109/15	230/23	
204/7 216/22 242/25	110/23 111/21 112/7 143/17	totally [2] 85/7 85/9	
through [26] 4/2 5/5 5/6	143/18 143/20 165/4	touch [2] 14/10 57/7	
11/11 20/24 32/9 38/22 70/8	time-served [1] 98/1	touched [1] 170/11	
77/1 78/8 92/12 138/4 138/5	timeline [1] 228/15	touching [1] 185/4	
146/13 161/3 185/2 187/10	times [25] 37/5 37/7 53/21	towards [3] 10/14 10/15 11/9	
199/22 217/11 217/18 217/19	77/21 77/22 85/24 88/9 101/9	Towson [5] 36/7 36/14 36/25	
231/14 231/15 242/21 242/24	101/10 103/21 112/21 117/11	149/25 161/7	
243/4	122/9 123/6 123/9 123/17	trace [1] 34/3	
throughout [2] 101/6 167/8	153/25 160/8 161/19 190/25	tracking [1] 21/13	
throwing [4] 49/21 49/23	208/4 208/6 214/6 214/6	trade [4] 82/21 91/6 91/16	
51/20 66/10	225/10	227/9	
Thursday [4] 1/8 242/21	timewise [1] 30/21	traded [1] 93/15	
242/24 243/4	timing [1] 77/25	trading [1] 84/8	
thus [1] 95/1	tire [1] 18/1	traffic [1] 11/11	
Tierra [2] 129/10 136/13	title [1] 108/22	trafficking [1] 6/9	
Tierra Williams [1] 129/10	today [7] 87/7 150/22 190/10	training [1] 154/19	
Tiffany [16] 27/23 35/10	193/19 194/25 242/15 242/18	Trainor [5] 2/7 165/8 165/11	
35/15 35/16 35/20 35/21 36/8	today's [1] 122/25	237/21 239/3	
37/8 37/10 39/23 40/12 41/16	together [16] 32/1 32/4 36/8	transaction [3] 183/7 238/15	
42/15 149/24 150/3 150/7	57/2 91/22 92/5 129/13 129/18	238/17	
Tiffany Bailey [1] 40/12	161/21 170/8 170/9 170/25	transcript [4] 62/15 62/17	
time [196] 7/25 8/22 9/16	173/2 235/9 235/12 235/13	69/9 245/2	
12/6 15/18 16/25 18/6 20/3	told [137] 7/4 20/25 21/9	transpire [1] 233/21	
20/7 21/19 21/25 22/7 23/14	21/15 24/12 24/17 26/9 26/13	transpired [3] 8/12 9/14	
23/21 24/1 24/4 24/6 26/16	26/19 27/22 30/13 38/5 38/18	185/7	
26/21 28/1 29/1 31/4 31/11	38/18 38/22 42/8 42/11 42/19	trap [1] 171/18	
31/12 33/19 37/15 43/21 44/20	43/1 43/8 45/15 58/2 61/24	treat [1] 72/14	
48/21 50/6 51/24 51/25 54/14	71/7 73/17 78/21 79/7 79/24	Treetop [1] 166/19	
54/24 57/6 57/19 60/18 62/4	81/23 85/4 85/11 86/6 86/19	Treetop Pirus [1] 166/19	
62/19 63/12 64/2 68/19 68/22	87/7 88/10 91/11 91/12 91/13	trial [2] 65/4 225/11	
69/4 69/19 71/1 71/15 71/17	92/8 93/17 99/6 100/7 101/7	tried [6] 30/2 86/24 90/11	
72/5 73/6 73/8 73/12 73/14	101/14 102/15 111/6 111/24	149/4 220/24 233/18	
73/20 74/22 75/1 75/2 75/11	112/23 113/1 114/10 114/14	trigger [4] 89/7 155/14	
75/23 76/17 78/3 80/2 81/4	115/5 117/17 122/5 123/21	155/22 156/4	
81/7 82/8 82/9 82/23 83/2	125/6 129/1 130/6 130/13	triggered [1] 77/16	
83/11 84/11 84/13 85/2 86/20	130/17 131/7 131/7 131/17	triggers [1] 135/20	
87/3 87/4 87/11 88/10 88/22	131/18 132/1 132/2 132/3	trouble [6] 47/21 57/18 74/1	
92/4 92/4 92/14 95/12 95/17	132/4 132/12 132/19 133/1	84/21 145/7 183/17	
96/18 98/1 98/4 98/6 98/9	133/2 135/16 137/20 138/18	trouble5200 [1] 25/5	
98/11 100/2 100/13 101/22	138/21 138/25 143/11 143/11	true [4] 50/7 140/21 183/4	
102/1 102/3 102/4 106/5	145/24 146/19 149/6 151/4	183/4	
	182/4 182/8 182/15 185/6	trust [5] 84/20 84/22 86/15	
	185/12 186/9 186/10 188/15	88/11 88/12	

<p>T</p> <p>trusted [1] 58/20</p> <p>truth [9] 80/21 84/23 102/16 103/2 185/13 185/14 188/22 217/3 229/12</p> <p>truthful [6] 45/1 86/7 99/19 102/22 181/25 182/2</p> <p>truthfully [5] 7/24 98/21 100/2 107/16 107/22</p> <p>try [15] 7/2 22/23 64/22 65/5 65/8 65/12 74/2 97/15 117/8 140/5 185/1 192/16 203/8 205/24 215/1</p> <p>trying [21] 24/12 26/1 26/10 43/3 78/5 80/8 81/5 82/8 86/18 91/16 139/18 139/20 140/14 155/24 157/2 163/1 180/5 182/19 187/5 199/1 233/20</p> <p>turf [1] 164/20</p> <p>turfs [1] 164/21</p> <p>turn [4] 54/22 54/23 54/23 64/9</p> <p>turned [2] 176/19 232/23</p> <p>tussle [1] 128/10</p> <p>twice [2] 123/5 160/7</p> <p>two [31] 7/12 47/16 64/6 94/6 95/14 117/11 118/3 122/9 124/12 132/12 138/2 138/25 139/6 139/9 140/17 140/24 150/1 161/3 173/2 176/13 179/15 196/22 197/1 201/19 211/12 212/2 219/22 225/8 225/25 226/8 240/24</p> <p>two-year [1] 225/25</p> <p>type [7] 7/2 87/5 95/8 111/5 156/5 161/16 164/24</p> <p>types [1] 163/10</p>	<p>understood [1] 55/2</p> <p>undying [1] 134/21</p> <p>UNITED [4] 1/1 1/3 1/16 122/18</p> <p>United States [1] 122/18</p> <p>unjam [2] 86/18 86/24</p> <p>unknown [1] 80/4</p> <p>unlawful [1] 200/22</p> <p>unless [3] 27/17 105/23 242/2</p> <p>unpack [2] 8/19 38/8</p> <p>unplug [1] 64/19</p> <p>unquote [2] 153/3 153/4</p> <p>unresolved [1] 243/22</p> <p>unsupervised [1] 115/23</p> <p>until [13] 72/1 122/25 129/6 160/16 167/8 168/15 180/6 198/17 210/9 224/13 242/3 242/15 242/18</p> <p>untrustworthy [1] 172/4</p> <p>unwind [1] 140/6</p> <p>up [159] 4/17 6/2 7/6 10/18 10/23 12/5 12/10 13/8 14/15 14/17 15/3 15/11 19/11 19/14 20/16 20/17 20/20 21/7 21/13 21/14 23/13 23/16 23/19 23/21 27/15 27/22 27/24 27/25 28/8 29/4 29/16 30/2 30/4 30/24 36/9 36/14 36/20 36/22 36/25 37/7 37/8 37/8 37/20 38/9 38/11 38/14 38/17 43/3 43/23 46/2 46/8 49/15 49/21 49/23 50/14 50/18 51/21 52/20 52/22 53/15 53/19 54/1 54/17 62/18 66/10 67/17 68/10 72/1 72/12 72/13 75/13 77/5 77/14 77/24 78/1 79/2 79/23 80/9 80/14 80/25 83/15 87/22 90/11 90/24 92/5 93/6 93/10 96/11 100/12 100/16 101/6 101/12 101/12 101/23 102/11 105/16 110/1 110/4 112/4 112/6 113/7 115/1 115/11 116/11 118/9 120/2 124/25 129/20 129/21 129/24 131/12 132/2 132/25 138/12 147/5 149/23 149/25 151/8 153/16 160/5 160/16 161/7 161/23 170/15 172/9 172/19 172/24 173/22 173/22 174/6 174/15 176/2 180/11 180/15 195/2 197/25 198/1 199/2 199/21 203/4 207/3 210/9 215/20 222/22 223/14 224/8 224/13 224/22 230/2 232/24 234/12 235/21 235/21 238/19 238/21 240/8 242/11 244/9 244/15</p> <p>upon [8] 95/13 95/16 111/24 135/7 185/4 203/5 226/10 226/11</p> <p>upper [2] 56/5 56/11</p> <p>upset [1] 51/18</p> <p>urgent [1] 242/2</p> <p>us [74] 8/9 15/2 15/11 15/18 16/15 17/15 24/24 27/1 27/14 31/17 31/17 31/24 34/7 37/23 38/25 39/5 39/8 40/17 41/13 47/1 52/14 52/22 55/1 55/25 62/8 71/4 71/7 72/18 73/17 84/23 85/7 88/10 93/8 94/22</p>	<p>95/4 99/21 101/14 112/23 113/1 114/14 117/17 122/5 127/1 129/1 129/9 130/13 130/17 131/7 132/13 134/15 134/25 135/2 135/4 135/16 137/20 142/9 143/13 170/20 175/20 185/6 188/15 189/4 189/21 192/3 192/8 192/22 194/25 195/8 196/16 197/8 202/7 227/13 232/22 233/7</p> <p>use [9] 46/2 106/1 135/7 155/15 159/6 177/20 205/3 205/9 218/7</p> <p>used [7] 43/16 86/21 107/6 127/22 131/2 185/25 235/7</p> <p>user [2] 147/16 147/18</p> <p>using [7] 11/12 113/25 152/16 152/17 204/23 217/18 238/9</p> <p>usual [1] 242/25</p> <p>usually [2] 147/7 218/5</p> <p>V</p> <p>Vaguely [1] 47/8</p> <p>value [1] 227/10</p> <p>Van [2] 68/10 84/6</p> <p>Vanity [1] 25/5</p> <p>vantage [1] 55/25</p> <p>varies [1] 118/12</p> <p>various [6] 3/23 5/5 5/6 127/11 127/12 128/6</p> <p>vary [1] 48/17</p> <p>vehicle [2] 46/9 175/3</p> <p>venue [1] 24/24</p> <p>venues [1] 182/23</p> <p>verbal [1] 8/11</p> <p>versa [1] 32/10</p> <p>version [1] 139/22</p> <p>very [20] 63/21 68/14 71/3 71/3 78/21 91/25 91/25 95/7 110/16 146/20 158/8 158/15 198/18 201/3 205/24 222/11 241/20 242/18 243/6 243/17</p> <p>vice [1] 32/10</p> <p>victim [2] 188/7 188/9</p> <p>victim's [1] 187/21</p> <p>video [52] 3/20 3/24 4/9 12/20 12/22 13/6 13/11 13/24 14/15 14/19 14/21 14/23 15/5 15/16 15/21 15/25 16/4 16/13 16/20 17/2 17/6 17/9 17/19 17/23 18/3 18/7 19/22 46/13 46/20 46/22 47/10 79/18 90/11 118/15 119/12 122/8 122/12 122/15 154/17 173/17 175/18 175/21 177/3 183/6 183/9 183/9 183/10 217/9 218/7 218/9 233/3 233/5</p> <p>videos [3] 128/4 128/6 182/25</p> <p>videotaped [1] 222/12</p> <p>videotaping [1] 79/10</p> <p>violate [2] 26/5 111/3</p> <p>violating [2] 202/12 226/16</p> <p>violation [6] 24/18 26/1 26/4 26/5 76/1 76/4</p> <p>violations [1] 111/4</p> <p>violence [2] 57/23 135/5</p> <p>visit [7] 36/11 36/19 36/22 38/22 39/4 39/12 40/7</p> <p>visited [1] 37/6</p>
---	---	--

V Visitors [1] 39/7 visual [1] 46/10 VOLUME [1] 1/13 voluntarily [1] 166/19 voucher [2] 210/18 211/6 vs [1] 1/4	165/3 167/5 179/5 185/22 190/2 192/15 209/23 238/23 we [174] 3/4 3/15 3/20 4/10 4/17 7/4 10/13 12/5 14/17 15/1 19/22 20/6 22/15 24/13 24/20 25/11 26/14 26/14 26/17 31/24 32/1 32/9 33/4 33/15 34/14 34/18 34/25 35/3 35/7 36/1 38/13 38/13 38/18 40/18 43/18 43/25 44/9 47/25 48/10 52/21 54/2 55/7 56/1 56/24 56/24 57/6 63/4 63/8 63/19 63/25 64/13 64/18 64/19 64/22 65/2 65/3 65/13 66/9 68/3 68/4 69/1 69/9 86/23 90/11 91/21 91/21 92/5 92/5 96/5 96/20 99/5 103/18 103/21 103/23 104/2 104/2 104/3 104/8 104/24 111/9 111/9 111/20 111/24 118/15 119/14 122/8 125/15 127/14 127/24 128/6 128/6 128/9 129/6 129/7 129/20 129/22 129/22 129/22 129/24 133/13 135/4 135/5 136/14 143/13 143/14 150/11 156/18 158/15 159/8 159/14 159/23 160/13 160/23 161/5 161/6 161/21 161/21 163/8 166/14 170/8 170/9 170/25 172/23 173/17 175/5 175/12 175/14 175/14 175/21 175/25 177/2 177/2 179/14 179/14 180/6 180/6 180/15 181/8 181/8 184/10 184/11 184/16 185/18 187/24 190/6 190/10 191/23 193/18 197/20 200/10 218/19 222/22 223/3 235/5 235/20 235/21 236/2 238/16 242/3 242/4 242/10 242/16 242/17 242/19 242/21 242/23 243/10 243/11 243/14 243/15 243/16 243/16 244/10 244/11 we'll [12] 7/16 44/5 44/10 44/11 96/19 103/10 103/12 103/13 105/25 184/8 184/13 241/21 we're [28] 8/25 9/3 14/6 16/11 17/18 18/2 18/20 34/7 44/4 58/9 62/20 63/13 65/12 83/16 103/8 125/3 145/5 158/6 160/16 160/19 162/13 163/19 198/9 202/2 225/25 233/7 242/8 243/12 we've [10] 44/19 63/2 108/17 127/9 127/15 129/6 165/12 180/8 182/12 186/24 weapon [4] 72/16 72/18 77/21 197/9 weapons [2] 52/23 227/6 wear [2] 13/20 230/8 wearing [1] 45/6 weary [3] 205/22 205/23 205/23 Wedlock [1] 123/22 weed [2] 79/24 80/6 week [8] 38/13 117/5 117/11 117/12 242/20 242/23 242/24 243/3 weekend [1] 161/22	weeks [61] 20/16 20/20 38/9 38/10 41/12 201/19 Weezy [1] 60/5 weigh [1] 176/24 Welcome [1] 3/11 well [102] 7/21 8/10 9/9 10/13 20/16 26/12 27/15 30/19 33/2 35/16 35/24 37/2 37/13 38/12 38/18 42/15 46/7 48/25 56/1 61/2 61/24 65/5 66/13 68/15 70/4 70/5 74/17 75/2 77/19 85/23 86/1 87/6 88/4 91/11 91/14 93/17 105/25 106/22 109/19 113/16 115/12 118/22 123/4 123/19 127/7 127/9 127/15 127/18 127/23 129/5 130/25 131/12 133/15 141/7 143/25 144/15 148/11 153/22 159/13 161/13 162/8 164/1 164/17 170/7 171/11 177/8 179/5 180/8 182/3 188/1 188/21 188/24 190/2 190/22 191/4 191/23 193/7 193/11 193/25 194/3 194/25 195/1 195/3 195/12 196/5 197/4 199/11 201/3 201/12 214/8 220/3 221/22 222/8 222/9 223/23 226/21 230/24 231/10 233/9 236/8 239/11 242/25 Wells [5] 51/16 52/17 56/25 137/22 138/18 Wells Fargo [5] 51/16 52/17 56/25 137/22 138/18 went [39] 18/14 19/25 21/11 22/15 29/4 29/16 30/4 30/5 37/10 38/3 42/5 45/16 45/18 56/24 76/22 79/3 81/20 88/17 97/24 97/25 102/8 117/13 127/14 129/15 137/22 146/21 148/1 156/2 156/8 157/8 159/14 159/16 166/25 173/5 173/15 181/17 182/23 216/14 226/25 were [355] weren't [23] 69/23 84/11 91/15 91/16 111/7 128/14 129/18 139/19 141/6 150/8 161/21 164/16 164/23 181/25 183/6 183/9 190/3 190/13 193/14 218/2 223/19 225/3 228/5 Whalen [13] 1/19 67/23 68/3 103/5 105/3 124/24 144/22 151/17 228/23 229/17 233/25 235/7 236/13 what [278] what's [39] 7/22 13/13 24/22 27/22 28/23 31/15 39/10 43/7 45/5 49/22 66/13 66/17 77/14 79/25 93/5 98/1 105/11 117/12 120/4 145/14 145/19 151/16 153/14 201/6 207/11 211/3 211/16 211/25 212/14 212/21 212/25 213/4 213/8 213/12 213/16 220/4 233/10 233/23 242/10 whatever [10] 43/23 75/4 82/15 98/24 160/3 175/1 181/5 230/3 230/7 233/21
--	--	---

W			Case 1:16-cr-00267-LKG Document 1358 Filed 11/21/19 Page 282 of 283		
when [216]	3/20 5/6 5/9 5/11	11/1 11/6 17/4 20/8 21/19	22/7 23/16 24/19 25/16 25/18	26/13 26/18 26/18 26/19 27/15	28/2 29/15 29/22 30/3 30/7
	30/21 31/8 32/7 34/8 36/13	37/15 38/12 38/12 38/17 41/8	42/11 42/22 45/18 46/8 47/6	47/18 47/21 47/21 48/13 49/7	50/9 50/15 53/9 53/15 55/9
	55/15 56/4 56/7 57/12 57/16	58/13 58/15 58/24 62/4 63/3	63/25 66/11 66/17 67/10 69/10	70/13 70/14 70/18 72/17 72/20	73/5 73/14 73/25 74/20 75/3
	75/4 76/20 78/15 78/15 78/18	80/25 83/13 84/20 84/23 87/22	87/22 87/23 87/24 88/12 88/14	88/16 88/18 88/19 88/19 89/14	89/20 92/5 96/3 97/1 99/5
	100/20 101/5 103/5 110/4	111/6 116/10 122/24 125/15	126/17 126/17 127/7 127/18	129/7 129/7 129/15 129/18	130/2 130/8 132/5 132/16
	140/22 141/8 147/25 150/10	154/4 154/23 154/24 155/4	155/19 155/20 156/2 156/4	157/1 159/14 159/25 160/4	160/23 163/1 164/12 165/21
	167/17 167/20 169/5 170/5	171/17 171/21 174/15 176/1	176/13 178/2 178/12 185/9	185/21 185/22 189/8 189/10	189/21 190/2 190/5 190/5
	190/12 190/17 192/25 193/12	193/19 194/14 194/18 197/25	198/13 198/21 198/24 198/25	199/24 202/24 203/3 203/11	203/12 206/1 210/17 210/18
	214/6 214/17 216/21 218/5	218/10 219/14 219/18 219/22	220/6 221/7 221/12 222/10	223/18 224/23 225/23 226/24	226/25 227/9 227/13 227/14
	227/23 227/23 228/3 228/4	228/20 229/8 229/11 230/2	231/24 232/8 232/12 233/18	233/18 235/20 236/20 243/18	243/19
whenever [3]	149/25 160/9	232/5			
where [93]	4/17 5/4 8/7 9/13	10/11 10/11 10/11 10/16 10/21	12/3 12/6 12/8 12/11 14/1	14/3 14/4 14/8 14/11 14/12	14/17 16/15 16/25 20/3 22/10
	22/12 22/12 25/5 27/18 36/3	36/5 36/5 42/11 42/11 45/6	46/19 46/19 50/9 50/13 50/14	50/15 50/16 50/17 51/18 54/9	54/11 54/15 54/15 54/17 54/21
	54/22 55/9 56/23 56/24 56/25	60/11 64/7 64/16 80/25 83/19	94/19 121/17 122/18 123/1	124/11 126/6 126/8 126/13	133/13 134/16 144/11 153/22
	154/23 159/10 161/21 164/2	164/3 168/12 170/14 174/3	174/5 176/14 178/14 179/1	179/2 179/7 183/6 199/3 199/5	226/19 226/22 239/3 239/15
	239/17	Whereabouts [1]	21/24	whether [14]	7/9 42/22 91/12
	91/13 109/20 116/5 128/21	148/22 157/14 213/21 229/17	231/20 237/13 238/25	which [21]	33/13 34/5 59/17
	62/12 72/16 83/14 83/18 98/6	101/19 108/11 132/20 133/9	161/1 168/18 183/4 183/4	225/25 235/2 238/23 243/22	244/11
	while [11]	12/9 36/8 36/19	36/22 36/24 143/3 176/7 194/4	205/10 225/24 226/11	white [3]
	13/18 15/1 204/12	who [85]	8/12 10/6 11/1 13/8	13/10 15/23 16/2 16/22 18/16	18/20 18/22 19/1 19/4 19/8
	23/3 24/6 24/9 27/1 27/21	30/5 30/13 31/1 31/18 32/11	32/11 32/18 32/24 33/10 40/21	41/4 42/19 45/21 45/23 46/24	47/21 49/2 50/2 50/21 51/8
	51/19 51/22 52/7 53/2 53/5	54/7 54/9 54/21 55/20 55/20	55/22 55/23 59/15 59/22 59/24	60/13 60/19 61/15 61/17 61/17	61/18 62/2 67/3 95/15 116/25
	120/19 131/18 131/20 132/7	133/2 135/8 137/13 145/16	170/10 174/9 182/18 184/25	189/11 189/14 189/16 190/3	217/6 219/2 219/24 232/15
	243/19	who's [38]	9/23 11/18 11/23	13/18 16/7 16/9 17/21 19/17	19/20 20/18 23/1 26/7 28/10
	29/11 30/5 30/11 32/16 32/22	33/8 35/4 35/14 35/19 42/17	46/15 46/17 48/3 48/6 49/5	51/1 51/6 61/8 65/16 65/19	65/21 66/4 66/15 104/8 153/19
	whoever [4]	43/4 43/14 133/1	215/18	whole [9]	82/21 84/5 84/8
	95/18 129/6 168/1 182/8	235/21 236/16	whose [1]	195/9	why [19]
	6/23 7/4 7/10 10/3	10/24 24/16 25/21 34/2 38/1	53/11 57/15 58/6 64/8 71/22	81/3 96/11 134/15 222/22	228/7
	wife [2]	9/9 35/24	will [31]	7/20 7/20 43/25	64/18 64/21 64/24 92/18 95/13
	95/25 99/18 103/23 111/16	114/3 119/14 133/16 134/1	144/1 145/16 145/18 184/6	230/18 236/12 242/8 242/20	242/24 243/4 243/14 243/17
	244/11 244/11 244/18	WILLIAM [5]	3/9 39/11 145/5	207/7 244/23	WILLIAM BANKS [4]
	3/9 145/5	207/7 244/23	Williams [1]	129/10	willing [5]
	230/8 230/10	230/12 230/14 230/16	window [3]	10/18 174/12	174/21
	Windsor [10]	27/7 28/16 40/19	61/16 126/12 164/2 195/22	206/6 206/10 223/4	Windsor Mill [6]
	28/16 40/19	61/16 126/12 164/2 195/22	Windsor Mill Road [4]	27/7	206/6 206/10 223/4
	wire [3]	45/6 118/21 230/8	wired [5]	46/8 46/10 118/22	119/10 238/19
	wiretap [1]	238/2	withdraw [2]	207/25 240/9	withheld [2]
	182/3 182/4	withholding [1]	177/18	within [4]	110/17 142/15
	168/22 183/24	without [2]	85/6 119/8	witness [26]	3/4 3/9 7/13
	44/9 70/10 91/2 103/12 104/2	104/5 104/6 104/13 104/16	151/12 181/1 184/10 205/13	206/13 206/15 210/24 216/2	220/13 235/24 241/21 241/22
	243/17 244/22	witnessed [4]	57/13 58/25	181/2 233/15	witnesses [4]
	104/16 104/18	243/12 244/5	wolfmobb [1]	34/13	woman [5]
	47/2 129/10 137/9	172/25 177/8	won't [6]	47/18 74/14 84/24	143/24 241/3 244/9
	Woodlawn [2]	40/18 40/25	Woodlawn Cemetery [2]	40/18	40/25
	word [14]	94/11 94/12 175/14	178/2 178/12 181/8 188/20	191/23 197/20 217/18 218/18	223/16 237/2 237/2
	words [9]	77/12 86/20 94/7	101/12 102/13 107/9 143/21	157/5 157/13	work [17]
	45/1 64/19 65/9	65/13 100/1 114/8 114/9	116/14 135/5 135/6 167/15	167/20 167/22 170/24 170/25	199/1 199/18
	worked [1]	209/23	working [8]	58/19 87/11	137/16 171/2 173/2 181/10
	199/1 199/3	world [3]	36/13 36/24 134/18	worse [1]	58/23
	worth [2]	181/20 181/21	would [126]	33/25 34/1 36/11	37/5 43/8 43/8 48/15 48/17
	57/17 58/2 70/1 71/22 75/7	82/18 83/14 84/25 86/7 87/10	87/15 90/24 93/18 93/20 93/20	93/20 94/11 96/8 96/11 97/1	

Case 1:16-cr-00267-LKG Document 1358 Filed 11/21/19 Page 283 of 283	
<p>W</p> <p>would... [98] 97/5 97/12 97/15 97/15 98/18 98/21 98/24 99/6 99/8 101/19 104/9 107/14 109/5 109/19 110/3 114/22 115/14 117/22 118/8 118/8 118/13 118/14 123/22 125/14 127/5 127/7 127/23 127/24 127/25 128/2 128/6 128/7 129/22 129/22 131/3 131/4 131/21 132/7 132/12 133/21 134/15 134/16 134/23 136/25 139/22 139/24 140/1 140/1 140/2 140/3 140/9 141/4 143/19 143/20 146/19 150/2 150/2 150/6 150/6 152/14 152/15 153/3 153/11 157/20 159/25 160/2 160/7 163/5 164/14 171/16 178/7 180/21 181/14 186/6 186/15 193/24 200/21 207/9 209/23 210/17 214/5 215/6 215/21 215/21 215/22 218/5 218/7 222/21 226/4 230/8 230/10 233/20 234/10 237/4 237/6 240/24 242/5 244/3</p> <p>wouldn't [10] 58/18 60/11 86/8 90/21 91/2 91/3 115/10 193/23 194/24 233/22</p> <p>wound [1] 78/6</p> <p>wrist [1] 78/8</p> <p>write [1] 218/6</p> <p>writing [2] 89/20 94/1</p> <p>written [6] 96/13 105/6 106/10 152/21 170/3 200/20</p> <p>wrong [5] 80/6 92/1 102/25 135/3 139/19</p> <p>wrote [2] 202/25 219/5</p> <p>Y</p> <p>yard [1] 218/12</p> <p>YBG [1] 131/6</p> <p>yeah [54] 13/2 13/9 13/14 22/3 41/7 43/2 49/19 52/14 56/9 60/4 61/1 91/10 91/19 109/10 120/18 121/13 122/2 122/20 131/4 132/10 133/12 152/15 153/6 156/14 157/21 162/4 164/11 164/15 164/18 164/20 166/4 167/25 168/6 172/23 174/21 174/25 175/9 177/16 178/11 179/9 179/10 179/13 181/19 182/16 193/10 194/21 195/10 204/17 212/12 215/23 217/22 234/15 239/13 241/13</p> <p>year [12] 75/15 76/21 95/5 106/17 132/21 160/20 200/1 204/24 205/5 225/25 226/9 231/17</p> <p>years [35] 70/22 71/2 71/5 72/8 73/7 73/9 74/24 75/2 75/6 75/7 75/13 75/13 78/13 94/7 95/18 95/18 98/12 98/13 109/14 109/17 109/20 109/22 110/3 110/15 110/20 110/22 110/23 111/21 148/9 161/15 161/25 162/13 162/14 163/13</p>	<p>207/9</p> <p>yes [692]</p> <p>yesterday [31] 3/15 3/19 3/20 4/10 4/18 4/19 4/22 6/12 7/3 9/25 11/25 20/6 23/7 27/4 27/9 59/12 61/10 64/11 71/7 101/14 114/14 128/9 133/21 185/18 191/25 192/22 195/8 223/5 226/3 227/6 242/15</p> <p>yet [3] 59/13 95/7 198/21</p> <p>you [1947]</p> <p>you'd [12] 3/12 44/16 78/21 110/9 112/3 210/2 217/11 217/18 217/22 217/23 218/1 218/7</p> <p>you'll [5] 14/10 99/4 111/9 170/13 243/20</p> <p>you're [80] 3/8 4/3 9/5 63/1 68/13 73/25 74/13 75/18 81/23 81/24 82/2 82/8 82/11 83/18 83/19 84/5 84/11 84/14 84/24 89/12 91/4 91/11 91/19 92/8 92/10 93/10 93/13 93/23 97/9 97/9 98/6 99/4 99/15 99/21 101/17 101/22 103/5 105/2 111/12 112/19 112/21 116/14 116/16 117/24 117/24 118/25 119/2 124/15 125/2 131/10 137/16 142/1 143/6 144/7 145/15 150/10 153/12 154/6 159/24 163/1 164/3 164/4 168/12 169/5 169/15 175/5 181/1 187/6 194/25 199/8 201/19 202/5 202/7 202/16 202/17 205/22 218/25 222/15 223/21 224/18</p> <p>you've [30] 74/9 83/17 83/23 92/8 112/16 118/19 122/5 123/14 129/1 130/13 130/17 139/14 145/13 145/20 168/12 172/13 184/25 185/1 185/6 186/20 186/24 189/4 202/11 215/9 217/19 221/22 221/24 224/2 225/7 227/13</p> <p>young [1] 95/14</p> <p>your [280]</p> <p>Your Honor [62] 3/5 7/8 20/11 25/23 36/16 43/17 43/23 52/9 62/20 63/8 66/19 67/24 93/1 94/14 96/5 96/8 96/12 96/17 103/24 104/7 104/14 105/4 105/18 106/4 124/18 144/21 144/24 147/10 149/10 149/15 151/7 151/10 151/13 151/15 151/21 152/24 156/16 156/18 156/22 157/18 158/1 158/10 165/7 182/13 184/19 187/4 187/8 205/13 205/16 206/25 210/23 220/16 222/20 222/21 228/12 234/9 234/11 235/24 237/8 240/9 241/19 243/11</p> <p>yours [1] 172/22</p> <p>yourself [8] 82/9 86/24 101/22 109/5 119/21 139/3 144/18 171/13</p> <p>Z</p> <p>Zweizig [3] 1/23 245/1 245/5</p>